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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

CERTAIN PAPERS RELATING

TO THE

Compact between the U. States & the State of Georgia,

OF 1802, &c.

James Monroe

APRIL 2, 1824.

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MESSAGE.

To the SENATE OF THE UNITED STATES:

I transmit to Congress certain papers enumerated in a report from the Secretary of War, relating to the compact between the United States and the state of Georgia, entered into in 1802, whereby the latter ceded to the former a portion of the territory then within its limits, on the conditions therein specified. By the 4th article of that compact, it was stipulated that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to all the lands within the state, as soon as it might be done *peaceably* and on *reasonable* conditions. These papers shew the measures adopted by the Executive of the United States, in fulfilment of the several conditions of the compact, from its date to the present time, and particularly the negotiations and treaties with the Indian tribes for the extinguishment of their title, with an estimate of the number of acres purchased, and sums paid for the lands they acquired. They show, also, the state in which this interesting concern now rests with the Cherokees, one of the tribes within the state, and the inability of the Executive to make any further movement with this tribe, without the special sanction of Congress.

I have full confidence that my predecessors exerted their best endeavors to execute this compact in all its parts, of which, indeed, the sums paid, and the lands acquired during their respective terms, in fulfilment of its several stipulations, are a full proof. I have also been animated, since I came into this office, with the same zeal, from an anxious desire to meet the wishes of the state, and in the hope that, by the establishment of these tribes beyond the Mississippi, their improvement in civilization, their security, and happiness, would be promoted. By the paper bearing date on the 30th of January last, which was communicated to the Chiefs of the Cherokee nation in this city, who came to protest against any further appropriations of money for holding treaties with them, the obligation imposed on the United States, by the compact with Georgia, to extinguish the Indian title to the right of soil within the state, and the incompatibility with our system, of their existence as a distinct community within any state, were pressed with the utmost earnestness. It was proposed to them, at the same time, to procure and convey to them territory, beyond the Mississippi, in exchange for that which they hold, within the limits of Georgia, or to pay them for it its value in money. To this proposal, their answer, which bears date 11th of February following, gives an unqualified refusal. By this it is manifest that, at the present time, and in their present temper, they can be removed only by force, to which, should it be deemed proper, the power of the Executive is incompetent.

I have no hesitation, however, to declare it as my opinion, that the Indian title was not affected in the slightest circumstance by the

compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their title should be extinguished at the expense of the United States, when it may be done *peaceably* and on *reasonable* conditions, is a full proof that it was the clear and distinct understanding of both parties to it, that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust. In the future measures to be adopted in regard to the Indians within our limits, and, in consequence, within the limits of any state, the United States have duties to perform, and a character to sustain, to which they ought not to be indifferent. At an early period, their improvement in the arts of civilized life was made an object with the Government, and that has since been persevered in. This policy was dictated by motives of humanity to the aborigines of the country, and under a firm conviction that the right to adopt and pursue it was equally applicable to all the tribes within our limits.

My impression is equally strong that it would promote essentially the security and happiness of the tribes within our limits, if they could be prevailed on to retire West and North of our states and territories, on lands to be procured for them by the United States, in exchange for those on which they now reside. Surrounded as they are, and pressed as they will be, on every side, by the white population, it will be difficult, if not impossible, for them, with their kind of government, to sustain order among them. Their interior will be exposed to frequent disturbances, to remedy which, the interposition of the United States will be indispensable, and thus their Government will gradually lose its authority, until it is annihilated. In this process, the moral character of the tribes will also be lost. since the change will be too rapid to admit their improvement in civilization, to enable them to institute and sustain a Government founded on our principles, if such a change were compatible either with the compact with Georgia, or with our general system, or to become members of a state. should any state be willing to adopt them in such numbers, regarding the good order, peace, and tranquillity, of such state. But all these evils may be avoided, if these tribes will consent to remove beyond the limits of our present states and territories. Lands equally good, and perhaps more fertile, may be procured for them in those quarters; the relations between the United States and such Indians would still be the same. Considerations of humanity and benevolence, which have now great weight, would operate, in that event, with an augmented force; since we should feel sensibly the obligation imposed on us by the accommodation which they thereby afforded us. Placed at ease, as the United States would then be, the improvement of those tribes in civilization, and in all the arts and usages of civilized life, would become the part of a general system, which might be adopted on great consideration, and in which every portion of our Union would then take an equal interest. These views have steadily

been pursued by the Executive, and the moneys which have been placed at its disposal have been so applied, in the manner best calculated, according to its judgment, to produce this desirable result, as will appear by the documents which accompany the report of the Secretary of War.

I submit this subject to the consideration of Congress, under a high sense of its importance, and of the propriety of an early decision on it. This compact gives a claim to the state which ought to be executed, in all its conditions, with perfect good faith. In doing this, however, it is the duty of the United States to regard its strict import, and to make no sacrifice of their interest, not called for by the compact, nor contemplated by either of the parties, when it was entered into, nor to commit any breach of right or of humanity in regard to the Indians, repugnant to the judgment, and revolting to the feelings, of the whole American people. I submit the subject to your consideration, in full confidence that you will duly weigh the obligations of the compact with Georgia, its import in all its parts, and the extent to which the United States are bound to go, under it. I submit it with equal confidence, that you will also weigh the nature of the Indian title to territory within the limits of any state, with the stipulations in the several treaties with this tribe, respecting territory held by it within the state of Georgia, and decide whether any measure, on the part of Congress, is called for at the present time, and what such measure shall be, if any is deemed expedient.

JAMES MONROE.

Washington, 30*th March*, 1824.

REPORT OF THE SECRETARY OF WAR.

DEPARTMENT OF WAR,
March 29, 1824.

SIR: In obedience to your order, directing me to furnish a statement of the facts and circumstances connected with the execution of the 4th article of the convention between the United States and Georgia, of the 2d of April, 1802, in which the former stipulates "to extinguish, at their own expense, for the use of Georgia, as early as the same can be *peaceably* obtained, upon reasonable terms, the Indian title to the lands lying within the limits of that state," I have the honor to make the following report:

By the convention above referred to, Georgia ceded to the United States all the lands lying south of the state of Tennessee, and west of the Chatahouche river, and a line drawn from the mouth of Uchee creek direct to the Nicojak, on the Tennessee river. In consideration of this cession, the United States stipulated to pay the state of Georgia $1,250,000, and obligated themselves, in the manner above stated, to extinguish the Indian title within the limits of the state. The convention also provides for the adjustment of the Yazoo claims, which were afterwards provided for by the act of Congress, approved March 31, 1814.

At the date of the convention, the Indians owned, within the limits of Georgia, 25,980,000 acres, of which 19,578,890 acres belonged to the Creeks, and 7,152,110 acres to the Cherokees, which tribes owned, besides, a considerable extent of country in the states of Alabama, Tennessee, and North Carolina. Between both of those tribes and the United States there were subsisting treaties, at the time of the date of the convention, which, among other things, fixed the limits of their respective territories, and guarantied to them the lands within those limits. (See first vol. U. S. Laws—treaty with the Creek Indians, page 361, art. 5. Treaty with the Creeks, ratified 7th August, 1790. Same, page 327, treaty of Holsten, 1791, art. 7. Same, page 332, treaty of 1798, near Tellico, articles 1 and 2.)

In fulfilment of the stipulation of the 4th article with Georgia, there has been held seven treaties with the Creeks and Cherokees; of which five were with the former; two of which were previous to the late war with Great Britain, in 1812, and three since. By the two preceding the declaration of war, there were ceded to Georgia 2,713,890 acres, and by the three latter 11,735,590 acres; making, together, 14,748,690 acres. With the Cherokees there have been held two treaties, both since the late war, by which Georgia has acquired 995,310 acres, which, added to that acquired by treaties with the Creek nation, makes 15,744,000 acres, that have been ceded to Georgia since the date of the convention, in fulfilment of its stipulations, (see statement A.)

In acquiring these cessions for the state of Georgia, the United States have expended $958,954 90; to which should be added the

value of 995,310 acres, which were given in exchange with the Cherokees, on the Arkansas river, for a similar quantity ceded by the Cherokees to Georgia, by the treaties of 1817 and 1819, which lands, estimated at the minimum price of the public lands, would make $1,244,137 50. If to these we add the sum of $1,250,000 paid to Georgia under the convention; and $4,282,151 12½ paid to the Yazoo claimants, it will be found that the United States have already paid, under the convention, $7,735,243 52½, which does not include any portion of the expense of the Creek war, by which upwards of seven millions of acres were acquired to the state of Georgia. (See statement marked B.)

The United States have ever been solicitous to fulfil, at the earliest period, the obligation of the convention, by the extinguishment of the Indian titles within the limits of Georgia: a most satisfactory proof of which may be found in the number of treaties which have been held for that purpose, the quantity of lands which have been acquired, and the price paid. In fact, such has been the solicitude of the Government, that but little regard has been had to the price, whenever it has been found possible to obtain a cession of lands to the state. The price given has far exceeded that which has ever been given in other purchases from the Indians.

I feel satisfied that it may be asserted, with confidence, that no opportunity of extinguishing the Indian titles, "on reasonable terms," has been neglected to be embraced by the United States.

It may be proper to notice, more particularly, the treaty of Fort Jackson, of 1814, with the Creek Indians; and those of 1817 and 1819, with the Cherokees, as, under those treaties, lands were ceded, not only within the limits of Georgia, but also in the neighboring states of Alabama, Tennessee, and North Carolina, which may require some explanation.

It may be proper to premise, that, previous to the late war, the four most powerful and numerous tribes of Indians, the Creeks, Cherokees, Chickasaws, and Choctaws, lay contiguous to one another, and were situated on the weakest portion of our frontier. They contained, at the period referred to, a population of between sixty and seventy thousand, and could raise at least 15,000 warriors. During the late war with Great Britain, great anxiety was felt in relation to those numerous and powerful tribes, and although all, except the Creeks, remained at peace, it is believed there was a strong tendency towards hostility among some of the other tribes. The Creeks commenced hostility at a critical period of the war, and created a powerful diversion of our resources, both of men and money; but, by a vigorous prosecution of the war, they were reduced, after many and severe losses. The treaty of Fort Jackson followed. They were a conquered people, and treated as such; and such terms were imposed as considerations of public policy dictated.

The advantage that would result by separating those powerful southern tribes from one another, and from the territory of Florida, at that time a foreign province, were among the most obvious dictates

of policy, as it would effectually guard against the possible future combination of those tribes, and prevent the liability to hostility which almost invariably results from the intercourse of Indian tribes with a foreign territory. The Creek Indians were required to make the cession of lands to the United States, in such a manner as to effect those important objects; and accordingly, the United States acquired a large cession in what is now the state of Alabama, which separated the Creeks and Cherokees from the Chickasaws and Choctaws; and a cession in the southern part of Georgia, which separated the Creeks from the province of Florida.

It was not conceived that there was any thing in the stipulation of the convention with Georgia which prevented the United States from pursuing those views of national policy. The obligation of the United States extends only to the purchase of lands within the limits of Georgia, so soon as it could be done upon "peaceable and reasonable terms." The lands were acquired by conquest, and not by purchase, which left the nation at liberty to pursue those views of policy which have been stated, and which, it is believed, has tended strongly to give security and strength to the most vulnerable portion of the country.

In noticing the treaties of 1817 and 1819, it may be proper to premise, that, as far back as the year 1804, a delegation from the Cherokee nation, then at the seat of Government, were informed by Mr. Jefferson, if the Cherokees, or any portion of them, thought proper to emigrate to the Arkansas, they should receive as much land as they were entitled to in proportion to their numbers, on the east of the Mississippi. Under the sanction of this promise, and tempted by the abundance of game, emigration continued from the Cherokee nation, in small parties, to the Arkansas, until 1817. The number being then considerable, a commission was constituted to treat with the Cherokee nation, on the basis of the arrangement made by Mr. Jefferson, which was followed by the treaty of the 8th July, 1817, which, among other things, stipulated that a census of the Cherokee nation should be taken in June following, and that a portion of the country should be ceded to the United States, equal to that which those who emigrated to the Arkansas were entitled to; that is to say, if it was found that one-third had emigrated, one-third of the territory should be ceded, and so in any other proportion, according to the number that should emigrate. To carry the treaty into effect, Congress appropriated, by the act of the 20th April, 1818, the sum of $80,000, in order to defray the expenses that might be attendant on the emigration of the Cherokees to the Arkansas; and Joseph M'Minn, Esq. then Governor of Tennessee, was appointed agent to carry the treaty into effect. It was found, however, impossible to take the census as proposed by the treaty, in June, and various causes delayed its final execution till the beginning of the year 1819. In the mean time, the emigration of the Cherokees was incessantly urged by all the means in possession of the Government.

It was the desire of the Government that the whole nation should emigrate, under the belief, that it would be better for the Indians, as well as ourselves; and no effort, on the part of the Government, was left untried, to induce them to emigrate. A large portion of the nation, however, were so decidedly opposed to it, that it was found impossible to carry this policy of the Government into effect. (See statement marked C, containing a copy of this correspondence between the Department and Governor M'Minn.)

The appropriation being finally exhausted, a delegation of the Cherokee nation was permitted to visit the seat of Government, in 1819, in order to close the treaty of 1817. It was ascertained that about one third part of the nation had emigrated, or enrolled to emigrate, to the Arkansas: and the delegation proposed to treat upon that basis, which was acceded to. It only remained to fix on the portion of territory to be ceded. With the view of throwing the land to be ceded within the limits of Georgia, and to separate the Creek and Cherokee nations, the Government proposed, that all the lands lying South and East of Etowah, one of the main branches of the Coosa river, should be ceded by the Cherokees; but, it was found impossible to induce the delegation to yield to that proposition, or to any other, more favorable to Georgia, than that which was adopted. They were fixed in their determination, particularly, not to be separated from the Creek nation, by an intervening white population, and to cover their Northern boundary by the Tennessee river, which necessarily threw the cession, made by the treaty, into Alabama, Tennessee, and North Carolina, as well as Georgia. Since the treaty of 1819, two attempts have been made, under appropriations of Congress, to open a negotiation with the Cherokee nation, for further cession, both of which have proved abortive. (See statement marked D, containing a correspondence between our commissioners and the Cherokee council, with a copy of the instructions to our commissioners.)

During the present winter, a delegation, of the principal chiefs of the Cherokee nation, visited the seat of Government, and the opportunity was seized to make known to them the sentiments of the Government, upon the subject of additional cessions, in order to fulfil the stipulation of the convention with Georgia. (See statement marked E, containing a copy of an address from the delegation to the President of the United States, and the answer of this Department thereto; and a copy of a letter to the Governor of Georgia, with his reply; and, also, a copy of a letter to the Georgia delegation, and their answer to the same.)

It cannot be doubted, that much of the difficulty of acquiring additional cessions from the Cherokee nation, and the other Southern tribes, results from their growing civilization, and knowledge, by which they have learned to place a higher value upon their lands, than more rude and savage tribes. Many causes have contributed to place them higher in the scale of civilization, than other Indians within our limits. Lying in large masses, they do not feel that depression, which is invariably felt by small and detached tribes in the

neighborhood of the whites. In addition to which, we may add the genial nature of their climate, which enables them to pass more readily from the Hunter to the Herdsman state; and the fertility of their soil, and the value of their staple articles, particularly cotton. To these, however, must be added, the humane and benevolent policy of the Government, which has ever directed a fostering care to the Indians within our limits. This policy is as old as the Government itself; and has been habitually, and strongly, extended to the Cherokee nation.

By the 14th article of the treaty of Holsten, in the year 1791, it is stipulated, "that the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of Hunters, the United States will, from time to time, furnish, gratuitously, the said nation with useful implements of husbandry; and, further to assist the said nation in so desirable a pursuit, and, at the same time, to establish a certain mode of communication, the United States will send such, and so many persons, to reside in said nation, as they may judge proper, not exceeding four in number, who shall qualify themselves to act as interpreters. These persons shall have lands assigned by the Cherokees, for cultivation, for themselves, and their successors in office; but, they shall be precluded exercising any kind of traffic."

In conformity to the provisions of this article, the various utensils of husbandry have been abundantly, and constantly, distributed to the Cherokee nation, which has resulted in creating a taste for farming, and the comforts of civilized life. This humane policy of the Government, since the termination of the late war, has taken, in some degree, a new direction. Certain benevolent societies, in the year 1816, applied for permission to make establishments among the Cherokees, and other Southern tribes, for the purpose of educating and instructing them in the arts of civilized life. Their application was favorably received. (See document marked F, containing a copy of their letter, and a copy of the answer of the then Secretary of War.) The experiment proved so favorable, that Congress, by the act of 3d March, 1819, appropriated 10,000 dollars, annually, as a Civilization Fund, which has been applied in such a manner, as very considerably to increase the extent and usefulness of the efforts of benevolent individuals, and to advance the work of Indian civilization.

In performing the high duties of humanity, to the wretched aborigines of our coun'y, it has never been conceived, that the stipulation of the convention with Georgia, to extinguish the Indian title within her limits, was contravened. The Government has been actuated solely by a desire to perform the obligation, which considerations of humanity imposed on us, in relation to these unfortunate people. Their situation, at best, is wretched, and can only be rendered tolerable, by the perpetual exercise of that humanity, kindness, and justice, which has ever characterized the acts of the Government, towards them.

I have the honor to be, very respectfully,
Sir, your obedient servant,
J. C. CALHOUN.

To the President of the United States.

A.

STATEMENT of the quantity of Land, to which the Indian title has been extinguished, and remains to be extinguished, in the state of Georgia, under the compact of 24th April, 1802.

INDIAN LANDS.

			Sq. Miles.	Acres.
Land of the Cherokees, not ceded to the United States,			9,620 =	6,156,800
Land of the Creeks, not ceded to the United States,			6,380 =	4,083,200
Total of lands not ceded,			16,000 =	10,240,000
Land of the Creeks and Cherokees, ceded to the United States,			24,600 =	15,744,000
Of which, there has been ceded by the Creeks,		14,748,690 acres,		
And by the Cherokees,		995,310		
			-	15,744,000
Viz. By the former, under the treaty of 8 Jan. 1821			3,500,000	
" of 22 Jan. 1818			1,450,000	
" of 9 Aug. 1814			7,084,800	
" of 14 Nov. 1805 and of 16 June, 1802			2,713,890	
				14,748,690

By the latter, under the treaty of 27 Feb. 1819 - - - -	700,000		
" of 8 July, 1817 - - - -	295,310		
		995,310	
Total of land that has been ceded - - - - - - - -			15,744,000

Computed from Sturges' map of the state of Georgia.

TOP. ENGINEER BUREAU,

March 26, 1824.

I. ROBERDEAU, *Maj. Top. Engineers.*

The Hon. JOHN C. CALHOUN, *Secretary of War.*

NOTE. It is understood that, from the surveys which have been made by Georgia, the quantity of land ceded by the Cherokees in that state, under the treaties of 1817 and 1819, is ascertained to be 1,349,907 acres, instead of the amount computed from the map; making a difference of 354,597 acres. Should this be correct, the difference must be made up to the Cherokees in the Arkansaw, which will increase the expense of the purchase to the Government, (estimating the difference at the minimum price of the public lands) $443,246 25.

C.

Copy of a letter from George Graham, esq. acting Secretary of War, dated November 29th, 1817, to Joseph M'Minn, esq.

DEPARTMENT OF WAR,

November 29th, 1817.

SIR: I have the honor to acknowledge the receipt of your two letters of the 13th instant. I regret exceedingly, that the gentleman whom Colonel Meigs had left in charge of the agency, should have abandoned his public duties, in pursuit of his private business, at a period, when his services were so essentially necessary, and when every exertion of the agent was required, to prepare for, and encourage the Indians to remove to the Arkansaw.

The intention expressed by you, to go into the Cherokee nation, for the purpose of removing the prejudices which have been excited by designing and interested people, in relation to the treaty, evinces your zeal for the public good, and is highly gratifying to the President. Your presence among them will, no doubt, have a very happy effect, but I hope the necessity of remaining any time with them, will be obviated by the presence of Lieutenant Houston, who, on the very warm recommendation of General Jackson, has been appointed an assistant agent, and whom, I presume you will have met with, on your arrival at the agency. Mr. Riley, and the rest of the delegation, are yet here; they have been informed, that the different treaties that have been made by the Cherokees, must be strictly adhered to, and carried into effect; that on other subjects, their complaints will be listened to, and that they will always be treated by the Government with kindness and liberality.

I have, &c.

GEORGE GRAHAM.

His Excellency JOSEPH M'MINN,
Knoxville, Tennessee.

D.

Extract of a letter from Duncan G. Campbell, esq. Commissioner, &c. to the Secretary of War, dated 28th November, 1823.

AUGUSTA, *28th November*, 1823.

SIR: The result of our late visit to the Cherokees, would have been made known to you sooner, but for the necessity which I felt, of seeing Major Meriwether at Milledgeville, after his resignation.

Without an interview with him, I was not prepared to report our accounts. I now send you a copy of the correspondence which was held with the Cherokee Council, in the month of October. A correspondence in writing, conducted with a Government regularly organized, composed of Indians, is probably a novel procedure. This method of negotiating, however, was preferred on both sides; and by reference to the journal, you will discover the manner in which it was sustained. Finding, on the part of the Council, such a determined resistance to a cession, arising, as we believe, from their imagined approach to independence, we took occasion to refer them to the nature of their connection with the General Government. In doing this, we may have submitted sentiments and schemes, not warranted by our instructions, or the views and policy of the Government: Of this, however, we are not aware. Since our adjournment, I have been informed, that a deputation will visit you this Winter. No intimation was given at Newtown, of such a movement, neither do I know its object.

Upon the subject of further proceedings, I shall wait the direction of the Department. Unless some new feelings are disclosed by the deputation this Winter, I should consider a further attempt at negotiation with the Cherokees unnecessary. Their determination not to dispose of a part of their territory, seems to have been deliberately formed. Any future operation, to be successful, must be pursued upon a larger scale, or in a different tone. I have thought, that a board, composed of a number from each of the states interested, with a competent appropriation and authority to offer territory in exchange, might effect all that could be desired. While at Newtown, the seat of Government of the Cherokees, we were visited by a deputation from the Creeks, General M'Intosh at the head. Upon the subject of a cession, the Creeks hold a very different language. From information derived from M'Intosh, and since confirmed by the Creek Agent, the prospect in that quarter is much more favorable. The present appropriation is probably inadequate. If it could be increased to $50,000, and diverted to the purpose of holding a treaty with that tribe, the expectation of extinguishing the title to the whole territory would be well founded. I regard the present period as auspicious for a compliance with the articles of agreement and cession of 1802, as far as relates to the territory occupied by the Creeks. That expense and difficulty will increase by delay, I have no doubt. Even without an increase of the appropriation, I should regard a different application of the present sum as inexpedient.

I have the honor, &c. &c.

DUNCAN G. CAMPBELL.

The Hon. J. C. Calhoun,
Secretary of War.

D.

Extract of a letter from the Secretary of War to the Commissioners appointed to hold a treaty with the Cherokee Indians, dated 15th June, 1822.

"I enclose you a commission to treat with the Cherokee Indians. The sum of $30,000 has been appropriated for the purpose of holding treaties with the Cherokee and Creek Indians, for the extinguishment of their title to lands within the state of Georgia; but, as it is believed that this sum would not be adequate to treat with success with both nations, and as a former appropriation for the same object was nearly all expended in holding a treaty with the Creek nation, it has been determined, by the President, to apply the present appropriation, in the first instance, to holding a treaty with the Cherokee nation. The President, confiding in your prudence, that not more will be spent than what is absolutely necessary to effect the object of the appropriation, has placed the whole amount of it, with the unexpended balance of the former appropriation, above referred to, (which, together, will make a sum of $34,989 57,) subject to your control in treating with the Cherokees; and you will take care so to make your arrangements, that the whole amount to be spent in the negotiation, including the expenses of your commission, issues of provisions to the Indians under your orders, presents to them, and such preliminary expenses as the agent may be authorized to incur, shall not exceed, in any event, that sum. The principle article of expense will probably be, the issue of provisions to the Indians while treating with them, as it is usual for the greater part of the nation to assemble on such occasions. The probable amount of provisions which will be required, and the price at which it can be obtained, can be ascertained by a correspondence with the agent, Col. R. J. Meigs, who has been instructed to obey your orders, on all points connected with the proposed treaty, and to take such steps as he may judge best calculated to prepare the Cherokees for it. The enclosed circular will be complied with, in contracting for the provisions and in issuing them; to which, as there has, in some instances, been great irregularity, I particularly call your attention. The sum to be stipulated for any cession that may be made, must be left very much to your sound discretion, taking into consideration the extent and quality of the country to be ceded; but in no event is the sum to be given as the purchase money to exceed $200,000, to be paid in instalments precisely in the same manner as in the late Creek treaty; nor must the price exceed that given in that purchase, taking into consideration the quantity and quality of the land to be purchased. The quantity of land ceded by the Creeks, in the late treaty, may be ascertained from the archives of Georgia, as it is understood it has been surveyed by the state. To ascertain the quantity of land which may be proposed to be ceded by the Cherokees, reference must be had to the best sources of information that can be obtained, particularly to such maps as are

deemed most authentic. The particular portion of country to be treated for, is left to your sound discretion.

If commissioners should be appointed by the state of Georgia, (as appears by the resolution of the Legislature to be the intention) to claim property of the citizens of that state, under the provisions of the treaties of Augusta, Hopewell, Holston, and Philadelphia, the governor will be requested to inform you of their names and residence, and you will correspond with them, and notify them of the time and place of holding the proposed treaty. You will co-operate with them in the fullest manner, in promoting, to the extent of your powers, the interests and views of the state. If the commissioners of Georgia should be able to effect an arrangement with the Cherokees, in relation to the claims above referred to, similar to that effected with the Creeks, at the late treaty with them for like claims, you may insert in the treaty which you may conclude with the Cherokees, a provision upon the subject, to the same effect with that inserted in the treaty with the Creeks: the amount, however, to be stipulated to be paid by the United States, on account of the claims of Georgia against the Cherokees, is not, in any event, to exceed $89,000, to be paid in five annual instalments, as in the Creek treaty beforementioned.

You will observe, by the enclosed papers, that it is the desire of Georgia that the title to the reservations of land within that state, under the treaties with the Cherokee Indians, of 1817 and 1819, should be extinguished; and that the governor has been informed, that, in case an appropriation should be made by Congress, for holding a treaty with the Cherokees, the commissioners would be charged to attend to the subject. You will, accordingly, take such steps as you may deem proper, either by yourselves, or by the appointment of a special agent for the purpose, to procure, from the present owners, a conveyance of their title to all such reservations, a list of which is enclosed. The price to be given for such conveyance not to exceed two dollars per acre, with a reasonable allowance for the improvements that may have been made on the lands. The conveyances to be made to the state of Georgia.

Copy of a correspondence between Commissioners on the part of the United States, and the Council of the Cherokee Nation.

CHEROKEE NATION,

Newtown, 4th October, 1823.

The commissioners on the part of the United States, commissioned to hold a treaty with the Cherokee Nation of Indians, arrived at this place, where they found the National Council in session. The board organized, but found it impracticable to proceed to business, without

first making some improvements for their accommodation, which they determined to do with as little delay as possible.

Monday, 6th October, 1823.

On this day, the board were notified by the agent of the nation, that the Grand Council were disposed to receive and be introduced to the board, according to the "custom and ceremonial" of the nation. Whereupon, the board, accompanied by the agent, and state commissioners, attended at the Council House, and were presented to the King, Council, and Committee. The Speaker, Major Ridge, addressed the board in terms of congratulation and friendship, and was answered by one of the board, Mr. Campbell, in like terms.

The board addressed to the agent, Governor M'Minn, the following note.

Sir: We take this, the earliest convenient occasion which has offered since our arrival, to inform you, that we have proceeded hither for the purpose of submitting to the Cherokee Nation subjects of interest to the General Government.

The commissions under which [we] propose to act, and the instructions subjoined by the War Department, we deem proper to be submitted to you, having been led to expect your co-operation in all matters relating to our mission. Permit us to request, that you will designate an hour most convenient for yourself, for us to submit our commissions and instructions to your perusal.

The absence of our Secretary at present, we hope will be accepted as an apology for not furnishing you copies.

With sentiments of consideration and esteem,
We are, your obedient servants,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States Commissioners.

Joseph M'Minn, Esq.
Agent, &c.

The Agent's reply.

Newtown, *7th October,* 1823.

Gentlemen: Your polite note of yesterday morning is before me, and would have been answered without loss of time, had not the ceremonies of yesterday occupied public attention. I will do my-

self the honor to attend at my office at any time after early candle light.

With sentiments of great esteem, &c.
Your obedient servant,
JOS. M'MINN.

Hon. D. G. CAMPBELL *and*
JAMES MERIWETHER,
United States Commissioners.

Governor McMinn to the Board, 8th October, 1823.

GENTLEMEN: I enclose you the copy of an order from the National Committee agreeable to request.

Your obedient servant,
JOSEPH M'MINN.

Committee Chamber, 8th October, 1823.

SIR: I am directed by the Committee and Council to request you to inform the United States' Commissioners, that the General Council, when convened to-morrow morning, will be in readiness to receive the Commissioners touching the objects of their mission hither under instructions from the President of the United States. It is desired that the communications should embrace fully all the instructions they may have received from the President relative thereto.

I am, sir, respectfully,
JOHN ROSS.

JOSEPH M'MINN, *Agent, &c.*

The Board's reply to the Council, 8th October, 1823.

The undersigned Commissioners on the part of the United States, have received, through the Agent, a communication by which they are notified, "that the General Council, when convened to-morrow morning, will be in readiness to receive their (the Commissioners) communications, touching the object of their mission," to which we reply that we will do ourselves the pleasure to appear before the General Council to-morrow morning, at 10 o'clock, for the purpose of exhibiting the commission under which we propose to commence negotiations. The want of suitable accommodations since our arrival, will place it beyond our power to submit a communication as early as suggested by the Committee and Council in their note to the Agent.

With sentiments of due consideration,
We are yours, &c. &c.
DUNCAN G. CAMPBELL.
JAMES MERIWETHER.

To the National Council.

9th October, 1823.

The Board attended the Council pursuant to appointment, and submitted their commission, which was read and interpreted, and they then retired.

10th October.

The Board convened and notified the Council that they would lay a communication before them to-day, at 2 o'clock.

The following is a copy of the communication:

To the Grand Council of the Cherokee Nation:

FRIENDS AND BROTHERS: By the commission which we laid before you yesterday, under the hand of your father, the President, you discover that we have authority to hold conferences with you of and concerning all matters interesting to the United States and the Cherokee nation. From the powers conveyed to us, it becomes our duty to bring to your notice the Commissioners on the part of the state of Georgia. These gentlemen have accompanied us to-day for the purpose of shewing their credentials. They are commissioned by the Governor of Georgia, but their business has been made known to our father, the President, and he has directed us to co-operate with them, and give them our aid. In some of the writings which have passed between us, we are sorry to discover that the business of these Commissioners is treated lightly, and but little attention given to the subject. For the sake of good understanding and justice, we ask you to listen with patience to what these Commissioners may have to say. After taking a deliberate view of all the treaties heretofore made, you will be able to make up a decision. It is better they should be closed in one way or another. As soon as this part of our joint business is settled and adjusted, the United States' Commissioners will take occasion to submit matters of interest and importance to the Government and to the nation.

We renew our wishes, that all our negotiations may be calm and friendly.

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States' Commissioners.

Ordered, That a copy of the foregoing be handed to the Georgia Commissioners, and that they be requested to attend this Board this day at 2 o'clock, for the purpose of appearing before the Council jointly.

13th October, 1823.

The Board accompanied the state Commissioners to the Council House, when a talk was delivered to the Council by that Board, setting forth the grounds of the Georgia claims, as arising under the different treaties with this nation.

14*th October*, 1823.

On this day the Council returned an answer to the communication of yesterday, and the Board were called on by the state Commissioners to co-operate with them in pursuing the negotiation, and did so in the preparation of a further address.

15*th October*, 1823.

The Board again accompanied the Georgia Commissioners to the Council, where a talk was delivered.

16*th October*, 1823.

The following note was received from the Council:

NEWTOWN, *October* 16*th*, 1823.

IN GENERAL COUNCIL.

FRIENDS AND BROTHERS: The General Council now embrace the opportunity of informing you that their correspondence with the Commissioners on the part of Georgia, is brought to a close, and that the General Council, now convened, is ready to receive your communications on all subjects relating to your instructions from the President of the United States.

With consideration of respect and esteem, we take you by the right hand as friends and brothers.

his
PATH ⋈ KILLER, *Principal Chief.*
mark.
MAJOR RIDGE, *Speaker of the Council.*
JOHN ROSS, *Pres't. N. Committee.*
A. M'COY, *Clerk N. Committee.*
ELIJAH HICKS, *Clerk N. Council.*

Copy of a note received from the Georgia Commissioners:

NEWTOWN, 16*th October*, 1823.

GENTLEMEN: We have this moment received a communication from the National Council of the Cherokee nation, in answer to ours to them of yesterday's date; a copy of their communication to us of this day's date; you herewith receive. We solicit a conference with you upon this subject, as soon as it may comport with your convenience.

We remain, Gentlemen,
With great respect and esteem,
Your obedient servants,
JOHNSON WELLBORN,
JAMES BLAIR,
Georgia Commissioners.

Reply to the Georgia Commissioners.

NEWTOWN, 16*th October*, 1823.

GENTLEMEN: In reply to your note of this day's date, we answer, that we will be prepared to have an interview with you this evening, at candle light, for the purpose of having a conference upon the subject of the communication received this day by you from the Cherokee Chiefs.

With sentiments of esteem and respect,
We are your obedient servants,
DUNCAN G. CAMPBELL,
JAMES MERIWETHER.

To Messrs. WELBORN & BLAIR,
Georgia Commissioners.

The following communication was this day made to the Council of the Cherokee nation:

NEWTOWN, 16*th October*, 1823.

FRIENDS AND BROTHERS: We are happy that a short time has been consumed in the correspondence between you and the state Commissioners.

This has afforded us an opportunity of becoming partially acquainted with several members of this Council. For the whole body we entertain a high respect, and we trust, that, with some of you, we have contracted individual friendships. In saying this, we do no violence to our own feelings, neither do we lower the elevated character of the United States. People who have never seen you, know but little of your progress in the arts of civilized life, and of the regular and becoming manner in which your affairs are conducted.

Your improvement reflects the greatest credit upon yourselves, and upon the Government by which you have been preserved and fostered. Other Governments would have triumphed in your downfall, and held you down by cruelty and oppression. Such has not been the conduct of the United States. She has set an example which the whole civilized world ought to feel proud to follow. It has been your unhappy lot to be shut out from the advantages which many others enjoy. It has been the constant study and exertion of the Government to relieve you from your unfortunate condition. The struggle has been long, but not in vain. What was promised you by your first Father, Washington, has been fully performed by those great friends of mankind who have followed him. Under the kind protection of these earthly fathers, you have been taught that you have a Father above to whom you are accountable. It should be your pride to act up to the near relationship which exists between you and the United States. If the President practices towards you

the kind treatment of father, it becomes your duty to return the obedience and gratitude of children. You have received this kindness from Government from the close of the Revolutionary War, up to the present time.

The President acknowledges that you deserved it by the steadiness of your fidelity. Your conduct as a nation has been peaceable and harmless, although some of your citizens have been, at times, restless and troublesome.

We doubt not but that some of our citizens are liable to the same charge. You have embraced the only opportunity which has occurred of shewing that you are warriors, and that you are faithful to the country.

In the last war you were found bravely fighting by the side of the white man, your brother, against the enemies of liberty. These enemies would have seduced you if they could, and, after making you traitors to your father, the President, they would have become traitors to you. Here would have followed a scene of desolation, at which every good man and Christian would weep. It was your fidelity which prevented it, and the hands of the red man and the white man were not raised against each other. The red man and the white man now are brothers, and long may they so continue.

Brother, these remarks have grown out of feelings which have been inspired by our acquaintance with you.

Coming, as we do, clothed in the high authority of the United States, we are left to speak the undisguised sentiments of sincerity. We have done so, and hope, and expect, to be met in the same spirit of conciliation and friendship.

Having made these remarks, we now proceed to lay before you the subject of our mission. We know that it is one which you have anticipated, and upon which you have already expressed yourselves with some earnestness. We must ask you to suspend any conclusion, until we have carried the matter through a calm and deliberate discussion; the whole of the authorities of the nation are now around their great council fire, with power to do any act they may think proper. The authority of the United States is also present. Any contract, which may be now concluded, will be binding on both parties.

We propose to purchase of the Cherokee nation, the *whole*, or a *part of the territory*, now occupied by them, and lying within the chartered limits of the state of Georgia. We do not confine ourselves to Georgia limits, because we are Georgians, but, because the President has appointed us, at the instance of Georgia, and instructed us accordingly. We will give you the reasons why a purchase is pressed, by the General Government, for the use of Georgia. Previous to the 24th day of April, 1802, Georgia held the right of sovereignty over an immense space of country, extending even out to the Mississippi river. The General Government seeing that the territory was too large, to be contained within the limits of one state, made application to Georgia for the purchase of a part of it. This was for the

purpose of organizing new states, and having them settled, and populated, for the better defence of the country in case of war. Georgia listened to the application of her father, the President, and sold all the land which now lies in the state of Mississippi, and Alabama; this happened on the day above stated. At the same time, in consideration of this sale, the United States bound herself, "at her own expense, to extinguish, for the use of Georgia, as early as the same could be peaceably obtained on reasonable terms, the Indian title to all lands within the state of Georgia." The limits of Georgia are known to you, and the amount of territory occupied by you, within those limits, is also known to you.

For greater certainty, however, concerning those limits, and the obligations of the United States, to the state of Georgia, we refer you to the articles of agreement and cession, entered into on the day and year aforesaid, between James Jackson, Abraham Baldwin, and John Milledge, on the part of the state of Georgia, and James Madison, Albert Gallatin, and Levi Lincoln, on the part of the United States. (See Laws of the United States, vol. 1, page 488.)

By these articles you discover the rights of Georgia, and the obligations of the United States. That these rights may be fulfilled, and these obligations discharged, is the important object of the present mission. The sovereignty of the country which you occupy, is in the United States alone; no state, or foreign power, can enter into a treaty or compact with you. These privileges have passed away, and your intercourse is restricted exclusively to the United States. In matters of cession, or territory, you are recognized as a contracting party.

The United States possessing the *sovereignty*, and the Cherokee nation being in *possession*, your consent is asked for the extinction of your title to the soil within the Georgia lines. We concede that the terms must be "peaceable," and "reasonable." Our offer to purchase, establishes the first, and the consideration which may be agreed on, we trust, will be satisfactory as to the second.

Beyond the Mississippi, the United States possesses large domains of unsettled territory, embracing great variety of soil and climate. A portion of this nation is already there. If those with whom we are now treating are disposed to emigrate, then we offer territory in exchange, of such extent, and accompanied by such other advantages, as may be agreed on. If this offer is not acceptable, then we submit another, equally "peaceable," and equally "reasonable." It is, that you cede to the United States, for the use of Georgia, such part of the territory within her limits as can be easily spared. Many reasons might be given, which have induced Georgia to urge her claim for land upon the General Government.

The reasons have appeared satisfactory to the Legislature, and Governor of Georgia, and to the President and Congress of the United States. Some of these reasons grow out of the political connection of the states, and others, out of the crowded settlements of the people.

It is not necessary to detail the first, they are *urgent*, and must,

at some time, have their weight. The last are plain to the view of every one who travels through that part of the President's dominions. His white people are becoming so much crowded, that they are driven from friends and connexions to foreign lands. Others are confined to a scanty piece of soil, without timber for fencing or fuel. To prove these statements, we need only refer to the amount of our population, and the rapidity of its increase. In the county in which one of us resides, there are eighteen thousand inhabitants.

The state of Georgia, in 1810, contained 252,433 inhabitants. In 1820, 344,773, shewing an increase, in ten years, of 92,340; and yet, the present settlements of Georgia do not very greatly exceed the Cherokee nation, in extent, which contains about 12,000 inhabitants. This difference is too great ever to have been intended by the Great Father of the Universe, who must have given the earth, *equally*, to be the inheritance of his white and red children.

Whether you dispose of all we ask for by exchange, or of a part by sale, still you have enough, and to spare. For each man, woman, and child, of the nation, a large allowance will be left, even enough for thousands yet unborn. Surely, under this view of the subject, when so much good is to result on our side, and so little, in fact no evil, to the other, you will yield to our application.

BROTHERS: We have thus made known to you the subject of our mission, and some of the reasons in support of it. In a matter of so much consequence to the United States, it certainly becomes you to deliberate, to look well to this matter in all its bearings; to do unto us as you would have us do unto you, under like circumstances.

In such time as will best suit your convenience, we shall expect an answer. We believe that we shall receive one which shall comport with the calmness and friendly disposition of the Council. It is not to be supposed that an affair which involves so much weight and importance is easily to be disposed of. We shall therefore beg leave to reserve to ourselves the privilege of reply as often as we may consider it necessary.

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
United States Commissioners.

The following is an answer from the Cherokee Council.

NEWTOWN, 20*th October*, 1823.

IN GENERAL COUNCIL.

FRIENDS AND BROTHERS: The very friendly manner in which you have expressed yourselves towards the members of Council, and those of them with whom you have contracted individual friendships, and the liberal view which you have taken of the progress of improvement in the arts of civilized life, and the regular and becoming man-

ner in which the affairs of the nation are conducted, are respectfully flattering; and we beg leave to return you our grateful acknowledgments for the compliment. The many favors which have been bestowed on us by the fostering hands of our father the President, are always fresh in our recollection, and we are ever ready to acknowledge our gratitude. The co-operation of the red man and the white man, in subduing the common enemy, during the late war, and the blood which have been lost on that occasion at Tallasschatchie, Talledega, Hillabees, Enotichopea, Emucsaws, and Tehophah, (Horse Shoe) we conceive to be no more than what might have been expected from our hands as children and true friends to our father the President. Those acts performed are a demonstrative proof of the sincerity of our affection and fidelity, and shews the firm hold by which the hand of our father is grasped, and speaks more forcibly than volumes of promises.

Brothers: We have fully deliberated your communication. The application which you have made, under the authority of your mission from the President of the United States, for the extinguishment of the Cherokee title to the *whole* or a *part* of the lands now occupied by them, and lying within the chartered limits of Georgia, either by exchange for lands west of the Mississippi river, or by purchase—we have to state, that the unfortunate part of our nation, who have emigrated to the west, have suffered severely since their separation from this nation and settlement in their new country. Sickness, wars, and other fatality, have visited them, and lessened their numbers, and many of them, no doubt, would willingly return to the land of their nativity, if it was practicable for them to do so, without undergoing various difficulties, which would be almost insurmountable in so fatiguing and so long a journey, by men, women, and children, without friends and without money to perform. When we call to recollection the period which separated our countrymen, acquaintances, friends, and relatives, from us, and look to the circumstances and means which caused our separation, we are grieved; the tears flow in our eyes, and we weep. Had it been the desire of the remaining part of this nation to have left this country, they would have embraced the opportunity, and emigrated with their fellow countrymen; but this was not their desire. They loved the soil which gave them birth, and they have continued thereon. The limits of this nation are small, and embrace mountains, hills, and poor lands, which can never be settled. The Cherokees once possessed an extensive country, and they have made cession after cession to our father the President, to gratify the wishes of our neighboring brethren, until our limits have become circumscribed; and it appears, from the eager desire of our brethren to obtain our lands, that it would be unreasonable for us to presume that a small cession, at any time, would ever satisfy them.

Brothers: The improving situation of this nation is visible, and has been acknowledged, and it would be reproachful and degrading to our character did we not look to its interest, prosperity, and future happiness. You give us one reason why a cession is urged: that is,

"from the crowded settlements of the people of Georgia." We presume that, if Georgia were in possession of the whole extent of her chartered limits, that it would not remedy the inconvenience complained of.

Brothers: From the comparative view which you have taken of the population of Georgia, and the Cherokee nation, you say "that the difference is too great ever to have been intended by the Great Father of the Universe, who must have given the Earth equally as the inheritance of his white and red children." We do not know the intention of the *Supreme Father* in this particular, but it is evident that this principle has never been observed or respected by nations or by individuals. If your asser'ion be a correct idea of *His* intention, why do the laws of civilized and enlightened nations allow a man to monopolize more land than he can cultivate, to the exclusion of others?

Brothers: We cannot accede to your application for a cession. It is the fixed and unalterable determination of this nation, never again to cede *one foot* more of land. We will make known to you, as coming from our father the President, that the boundary line from the Unicoy Turnpike, on the Blue Ridge, to the source of the Chestatee, has not been run by the United States' Surveyor, agreeably to the stipulation or intention of the treaty of 1819; but it has been run so as to include a larger tract of land than admitted by said treaty, to the great inconvenience and injury of this nation, particularly to those of our citizens who lived in that quarter, and have been compelled to *remove*. As this fact has been reported to the President, we trust that he has given you some instructions relative to the investigation of the subject.

With the brightness of the sun, we renew our assurances of respect and brotherly friendship.

his
PATH ⋈ KILLER, *Principal Chief.*
mark.
his
MAJOR ⋈ RIDGE, *Speaker of Council.*
mark.
JOHN ROSS, *President of National Committee.*

A. M'Coy,
Clerk of National Committee.
Elijah Hicks,
Clerk of National Council.

The following is a reply from the Commissioners to the Council.

Newtown, *October* 21, 1823.

Friends and Brothers: Your communication of yesterday was handed us by your messenger. We feel constrained by duty and instruction to reply, and to reserve to ourselves the *privilege* of reply, as often as we may consider it necessary. In doing this, we

violate no sentiment which we have heretofore expressed, with regard to this nation. Nothing would give us a deeper regret, than to find that our confidence has been misplaced, and our encomiums improperly bestowed. Of this we have no apprehension at present, and shall pursue the negotiation under the hope, that it will yet be closed in a manner which shall comport with the just expectations of the General Government.

Brothers: The relation in which this nation stands to the Government of the United States is somewhat peculiar. The original title of this soil is acknowledged to have been in you.

There was a time, when most of the territory now composing the United States, belonged to various tribes of Indians. The people of Europe were the first white men who landed upon these shores. As soon as they established colonies, they claimed the sovereignty of the soil by the *right of discovery*. For a long period of time this sovereignty was exercised without resistance. At length, the colonies grew to a size which enabled them to take the management of their own affairs. A war ensued, which lasted seven years, and then ended in the complete success of the Colonies. What Europe claimed by discovery, was then vested in the people of the Colonies by conquest. All the country which was conquered belonged to the conquerors. The Cherokees, the Creeks, and almost every other Indian tribe, powerful and numerous as they were, took sides against us. All shared the same fate. All became subject to the government afterwards established, under the title of the "United States of America."

This subordination and loss of power, would have followed conquest as a matter of course; but, in order that it might be reduced to a certainty, and made plain, and recorded, treaties were entered into, in every instance, with the Indian tribes, who were parties to the war.

The Delawares surrendered their sovereignty at the treaty of Fort Pitt; the Six Nations at Fort Stanwix; the Creeks at New York; the Chickasaws at Hopewell; and the Cherokees at Hopewell in 1785, and so on. By these, and by a great many other nations, a complete surrender is made, and *protection* claimed. The language of the United States, in the treaty of Hopewell, gives peace to the Cherokees and receives them into favor and protection. The language of the Cherokees is submissive, and accepts the offer. So complete was the authority acquired by these memorable operations, that the territory of all those tribes was made the subject of "*allotment.*" All the lands which they now hold, has been "allotted" to them. Their original title is forever gone. First, by discovery. Secondly, by conquest. And, thirdly, by treaty. But the surrenders which have been made from time to time by the Cherokees, go still further, and authorize the United States to "manage the trade of the Cherokees as they may think proper."

Brothers: We have reference to these matters of history and compact, not to shew your humility, but to shew your *dependance*. On the contrary, it does not degrade you to give you the evidence of your

dependance; it is a matter of distinction, to be connected *with*, and dependant *upon*, the Government of the United States. There are twenty-four states and three territories, which are found to acknowledge this connection and dependance. The advantage is mutual. The United States give laws, give stability, and protection, to the states, and the states give obedience, support, and taxes, to the Government. By this union, the Government becomes powerful—by a division, it would be feeble. As relating to the different tribes of Indians who have settlements within the states, the Government is prepared to speak with candor and decision. If they cherish the idea of independence and self government, the sooner they are corrected, the better. The United States will not permit the existence of a separate, distinct, and independent government within her limits. All the people on her soil must be hers, and her laws must, sooner or later, pervade the whole. To qualify you for citizenship, the Government has, within the last twenty years, expended upon you upwards of half a million of dollars. You have been told that you are the President's favorite children. You are indeed so. He seeks not to destroy, but to preserve you. There is nothing annihilating in his scheme. When he qualifies you as citizens, you must become so. The process of qualification will follow you wherever you go, and as fast as you become citizens you become subject to our laws. Whether this subjection to our laws is to be individually or collectively, depends in a great degree upon yourselves. As long ago as at the treaty of Hopewell, in 1785, the idea is suggested of your becoming a territory of the United States, with the right of representation in Congress. If this nation would preserve a compact form, not within the limits of the states, no obstacle would remain to the organization of a territorial government composed of themselves. While they are within the limits of the states, the state sovereignty must prevail, and they must become merged in the white population, and take the standing of individual citizens.

Brothers: Let your choice be as it may, your condition will be bettered. The government which you have lately formed for yourselves, although it is greatly to your credit, yet it is objectionable in many of its important features. A territorial organization under the United States would be greatly preferable. Such changes are common among nations, and often to the advantage of both parties. But, if this scheme is not yet sufficiently matured to meet your acceptance, then a cession of a part will quiet the solicitude of Georgia and of the United States, for the present, and give time for further deliberation. The cesssion of a part need not affect the wishes or interest of any individual, with respect to citizenship. If those who live upon the part ceded are not disposed to become citizens, they can be indemnified for their losses in removing, and retire within your lines. If they are disposed to become members of the states, they can be secured in a residence, and let into all privileges of ordinary citizens.

Brothers: We have thus laid before you some new topics for discussion. These involve considerations of vast importance to yourselves

and to posterity. Listen to them, and answer with calmness and deliberation.

You are not engaged in light disputes or trifling considerations. Nations are parties to this correspondence. If we know our Government and ourselves, we design you no harm. Our object is the good of the whole American family.

We shall now proceed to notice some of the remarks in your communication of yesterday, and close for the present.

The picture which you have drawn of the separation of friends and relatives at the emigration to Arkansas, is honorable to the sympathies of your hearts. But the heart often bleeds at what the judgment approves. Among ourselves, these separations occur almost daily. You advert with some emphasis to the "circumstances and means which caused the separation."

Brothers: We understand that it was *wholly voluntary*, and that your citizens projected the scheme themselves, as long ago as 1808. At that time the President was aware that the season was unpropitious for so serious an operation. His land beyond the Mississippi had not been explored. The distresses of the people and Government were great, and the prospect of a war was in view. The President acted as a great and good father to you and advised you not to go. Since that time it has been ascertained that the country admits of eligible settlement and organization, and the most advantageous terms have been allowed you for removal. In all this, we discover nothing but the characteristic magnanimity of the American Government.

Brothers: You state that you "once possessed an extensive country, but that you have made cession after cession, until your limits have become circumscribed." Would you, if you could, repossess yourselves of all the soil which you once held, and allow it to be peopled only by yourselves? Would you demolish temples raised to science and dedicated to God, that beasts might have a wider range, or game a broader play? Would you lay waste a city, that a wigwam might rise upon its ruins? No, brothers; you are now drinking of the streams of civilization, and leaving far behind you the title and vulgar prejudices of untutored barbarism.

These are giving place to just and liberal conceptions of the rights of man and the bounty of man's Creator.

You suggest that the eagerness of your neighboring brethren to obtain lands is so strong, that a small cession would not satisfy them. It is true that self-interest is a strong principle of action, and in its operations often requires restraint. In this case, however, this eagerness is considered reasonable, and your father the President gives it his sanction.

We assure you that a small cession will have a much greater quieting influence, than no cession at all. It is not altogether fair to set bounds to eagerness when it is founded upon rights.

Your allusion to the subject of the line, run under the treaty of 1819, will receive due attention before we close our correspondence.

With great respect for the council, and increasing regard for its members, we again subscribe ourselves,

Your friends and brothers,

DUNCAN G. CAMPBELL.
JAMES MERIWETHER.

To the Council of the Cherokee Nation.

The Council to the Commissioners.

NEWTOWN, CHEROKEE NATION,
October 24th, 1823.

IN GENERAL COUNCIL.

FRIENDS AND BROTHERS: Your communication of the 21st inst. have been deliberated by the General Council, and it seems that you anticipate a hope that your application for a cession might yet be granted. We assure you, in the strongest terms, that our rejection is founded upon a mature and deliberate determination, which cannot be changed. The title of the Cherokees to the lands in their possession, is indisputable; and the United States, by the treaty of Holston, in 1791, in the 7th article, fully declares it to be so, by solemnly guarantying it to them.

Brothers: We are fully sensible that we are *dependant* upon the Government of the United States for *protection*, and have ever manifested a disposition to conduct ourselves in such a manner as to comport with our duty in that respect; and we are surprised, and at a loss to know what has given grounds to harbor a contrary opinion of our disposition in that respect. There must be a source from whence a misrepresentation of our disposition has been communicated to our father the President. The remark that we made, "that the Cherokees once possessed an extensive country, and they made cession after cession, to our father, the President, to gratify the wishes of our neighboring brethren, until our limits had become circumscribed," was not intended to mean that we would wish to re-possess what we had surrendered, (as would seem from your eloquent remarks on that point) but to shew that, if we continued to yield to our father's application in behalf of our neighboring brethren, as we had heretofore done, that the whole of our lands would be gone. It is not our wish to "demolish temples raised to science, and dedicated to God, so that beasts might have a wider range, or game a broader play," nor to "lay waste a city, that a wigwam might rise upon its ruins." But it is our desire that monuments of science may be raised, by our hands, on the dust of our progenitors, from which the beasts of the field have receded, and the wigwam tottering into ruins.

The bow and the quiver are laid aside, and the pursuits of the chase are forgotten. The axe, the hoe, the plough, and the shuttle, are introduced, and progressing like a consuming fire, and it is hoped that a mist will not arise to dampen its progress. You suggest an idea, that, if this nation would preserve a compact form of a territorial government of the United States, not within the limits of the states,

no obstacle would remain to the organization; but, while they are within the limits of the states, the state sovereignty must prevail, and they must become merged in the white population, and take the standing of individual citizens. And you further remark, that, in case of a cession of a part, that all those who do not choose to become citizens, would be indemnified for their losses, and those that chose to become members of the states can be secured in a residence, and let into all the privileges of ordinary citizens. Brothers: the suggestion of the organization of a territorial government, is a subject of too great weight for the nation to take up in their present situation, therefore the suggestion cannot meet our acceptation. As respects being secured, with indemnification and residence, and privileges of citizenship in the states, we beg leave to ask you to look to the treaty of 1819. What was the provisions made for the Cherokees in the 2d article of that treaty? And what has been the course pursued by the states of Tennessee and Georgia, and some of their citizens, relative to the sacred obligations contained in that article? We find that opposition, fraud, and every species of injustice, were raised against the interests of the poor inexperienced Cherokees by them; and before the aid and assistance of the magnanimous hand of the General Government could be extended to their relief, an entire ruin and loss of property have been sustained by many of them; and many of them who are entitled to compensation for improvements under that treaty, have never received one cent—a very small portion of the improvements left have been valued and paid for

Brothers: We cannot curtail the present limits, which has been *reserved* to this nation in the treaty of 1819. The prosperity and future happiness of our posterity cannot be lost sight of, when their destiny is placed in our hands; and should we act as an honest father, and preserve their interest and their right, they will rejoice and be happy in commemorating our names, when we are no more. Under these circumstances, our brethren of Georgia cannot, or ought not, to desire us to destroy ourselves, so that they may aggrandize themselves, and raise temples upon our ruins. Their state is respectable in wealth and in population, as well as in liberal sentiments of honorable men, and the extent of its bounds not small, but considerably larger than many of the other states in the Union.

Brothers: We beg leave to present this communication as a positive and unchangeable refusal to dispose of *one foot* more of *land;* so that no further application or anticipation of success may be encouraged on your part, and that a final close of the correspondence on this subject should herewith take place, as the Council will very soon rise, having already continued four days over the time allowed by the authorities of the nation for its sitting.

With calmness and cordiality,

We subscribe ourselves as friends and brothers,

his

A. McCoy, PATH ⋈ KILLER, *Head Chief.*
Clk. N. Committee. mark.
Elijah Hicks, Maj. RIDGE, *Sp'r of C.*
Clk. N. Council. JOHN ROSS, *Pres't N. C.*

The Commissioners to the Council.

NEWTOWN, *25th October* 1823.

FRIENDS AND BROTHERS: Your communication of yesterday has been under consideration, and we regret to see the very wide difference which exists between us, as to the material point of nogotiation.

The anticipations of success which we had indulged, were founded upon confidence in your judgment. We believe that we were in the right, and hoped that we should succeed in convincing you. Your rejection of our application does not at all impair our views of the propriety of what we have laid before you. We have endeavored, by a reference to the history of this nation, to satisfy you of the nature of your title to the soil which you occupy. The doctrine, to be sure, is not very consoling, but is nevertheless true. You attempt to rebut it, by an article in the treaty of Holston, in 1791. It is true, that the 7th article "guaranties to the Cherokee Nation, all their lands not thereby ceded." And what does this guarantee amount to? You greatly mistake yourselves, if you construe it into a conveyance, or even quit claim of the part of the United States. Notice the terms used in the fourth article of the same treaty, which conveys the lands ceded at that time. It is there said, "that the *chiefs* and *warriors, for themselves* and the *whole Cherokee Nation*, their *heirs* and *descendants, release, quit claim, relinquish*, and cede," the lands therein described. If the word "guarantee" would have expressed all this, then that word would have been used. Your title under this treaty of Holston, is no better than under the treaty of Hopewell, and under neither, does it amount to any thing more than *possession at the will* of the United States. You acknowledge, that you are "dependent upon the United States for protection." Brothers, such acknowledgment is very empty, unless accompanied by some signs that you feel the obligation. Your father the President has asked you, in terms the most peaceable and reasonable, for what he might have demanded; you might have granted the application, without injury or inconvenience to yourselves. It will rest with him to judge whether your conduct comports with your duty. You state, that it is your desire to raise monuments of science with your own hands, upon the soil of your "progenitors." No lover of the human race would controvert the sentiment. No friend of mankind would bring into use the "bow and the quiver," which you say have been laid aside. The "axe, the hoe, plough, and shuttle," were given you by the President, and he will never withdraw them. But it is his desire, and it ought to be your pride, to forward the general interest of all the American people. This never can be done, by your monopoly of such extent of territory.

Brothers: It would seem, from your pointed and determined rejection of what we have asked, that it would be wholly unnecessary to pursue the investigation further. We commenced with a simple proposition, to purchase your claim to the whole or part of the soil within the limits of Georgia. In the course of the correspondence,

we have evidenced the grounds of negotiation, and discussed topics, interesting to the Government, and to you. If no good results to neither, we must be content with the consciousness of having done our duty. Your allusion to the proceedings under the treaty of 1819, does not require a detailed answer. Our knowledge upon that subject would not, we presume, rescue the Tennesseeans or Georgians from the aspersions which you have thrown upon them. We take leave, however, to observe, that, wherever the laws have been appealed to, they have been righteously enforced, and that vast profits have been realized by the persons named in that treaty. As messengers of the United States, it does not become us to indulge local feelings. The General Government is bound to Georgia, and we doubt not but that she will fulfil her engagements.

Brothers: We will not detain the Council, if they are impatient, and wish to rise. We understand that they have sat much longer, upon business of less importance, heretofore. This is the third visit that we have made to the country, and we had a right to expect a patient hearing. We shall say but little more. Justice to our Government, and good wishes to you, require that we should add a few words more; we ask you to receive them as they are intended, in feelings free from excitement.

According to the usage of many years, we exercised the right of appointing the place of meeting you. We solicited your agency, and invited you to attend last January, and you *refused.* We selected another place, more central, and a time more genial, and invited you to come, and you *refused.* You were then indulged in appointing time and place yourselves. We attended, and you did not. We have now come to your own time and your own place, and you have rejected a reasonable application. We told you on our arrival, that we were directed to co-operate with the Georgia Commissioners in negotiating the settlement of long standing claims. We have stood by, and seen you reject a settlement of claims which occurred at a time, and under circumstances, powerfully imposing. When treaties lose their obligation, what shall bind nations? We have stood by, also, and witnessed a correspondence, of serious import, between yourselves and your agent. We have seen his application rejected, and heard his dissatisfaction expressed. Our appointments to meet you were under the *President's authority.* The application of the Georgia commissioners was under the *President's authority.* The application of the agent was under the *President's authority.* Where is the virtue of calling the President "Father," of acknowledging "his protection," and then refusing obedience to his wishes? We might go further, and remind you of the uniform disposition of the government to attend to your requests, and redress your grievances. Even at this moment, while these things are passing before us, troops are on their march, with the sword and torch, removing intruders from your limits, and burning their dwellings.

Brothers: Ingratitude approaches to crime; a grateful return for a favor is the best evidence that the favor is felt. You cannot suppose that all these things, taken together, are to pass away, and produce

no effect. What the effect may be, we are not exactly prepared to say. Time will disclose it.

Brothers: We had rather see and feel a different prospect. In the sincerity of our hearts, we wish this nation well. We should be happy to see the ties, which bind you to the Government, drawn closer. We should like to see the chain grow brighter and stronger. We fear that the very reverse is the fact. The ties are loosening, and the chain is becoming weaker. There is a danger of your losing connection with the Government, and having the agency abolished. We might enumerate other consequences which are not *improbable*, but which should be prevented if possible. The course is plain by which the evils may be averted. It is no mark of manliness and magnanimity to persist, merely for the sake of consistency, after the judgment is convinced. It is often better to yield, than to resist even a doubtful right.

Brothers: We shall now close. We are not conscious of having said any thing, not warranted by the authority of our Government, and the rules of fair and open negotiation. We cannot take our leave without submitting a further and distinct proposition. So well are we satisfied of its healing tendency, that it would be criminal in us to withhold it. We submit the following:

The United States proposes to purchase of the Cherokee Nation, their claim to all the land east and north of the following boundaries: Beginning at a marked corner, at the head of Chestatee; thence, along the ridge, to the mouth of Long Swamp creek: thence, down the Etoevah river, to the line which is to be run between Alabama and Georgia; thence, with said line, to the dividing line between the Creeks and Cherokees; thence, with said line, to the Chatahoochee. In consideration of said cession, the United States will pay to the Cherokee Nation the sum of two hundred thousand dollars, in suitable instalments, and will also indemnify the Nation against the Georgia claims; and, as a gratuity to the Nation, the Commissioners will pay into their Treasury, at this time, for the use of the Nation, the further sum of ten thousand dollars.

We are, as usual, your friends and brothers,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER,
U. S. Commissioners.

The Council to the Commissioners.

NEWTOWN, *October 27th*, 1823.

IN GENERAL COUNCIL.

FRIENDS AND BROTHERS: You say that your anticipations of success was founded upon confidence in our judgment, and that you believed and hoped you would have succeeded in convincing us that you were right, and would also satisfy us of the nature of our title to the soil which we now occupy. The doctrine which you have laid

for a foundation, can never convince our judgment that you are correct. We did not refer to the 7th article of Holston treaty, 1791, as a *foundation* to our *title* to the *soil* upon which we stand. Our title has emanated from a *supreme* source, which cannot be impaired by the mere circumstance of discovery by foreigners; neither has this title been impaired by conquest or by treaty. If it was intended that our original title should be forever lost, why did not the treaties of peace declare it in plain terms, and why should the United States purchase, time after time, by treaties, lands which you would wish to convince us we have no title? And when such purchases were made, why did they require such a right and title of conveyance as given in the 4th article of Holston treaty, 1791, which you have had occasion to refer? We had noticed the 7th article of Holston treaty, to shew that the United States do acknowledge our right and title, and have *guarantied* to respect the same. This being the case, and the Cherokees possessing the right and title, it would have been superfluous and useless for the United States to convey to the Cherokees a right and title which was already vested in the Cherokees themselves, and not in the United States. You say our *possession* is at the *will* of the United States, and that our *rejections* to the several propositions which have been made, cannot be expected to *pass away* and *produce* no *effect*, and that the *ties* which bind us with the United States are *loosening*, and the chain is becoming weaker. What, Brothers, do you wish to impair the high confidence which we entertain of the magnanimity of your Government? and to harbor an opinion that, because the United States are *great* and *powerful*, and the Cherokees *small*, and *dependant* upon her for protection, that she will trample justice under foot, and compel us to yield what we have peaceably and respectfully refused to let the United States have, for the benefit of the state of Georgia? Have you not told us that the President has the same *love* towards *us* as his white children; and would not such a treatment of us, as you seem to be apprehensive of, be partial and wrong? Brothers, we have rejected your propositions because we love our lands and have none to dispose of. We rejected the claims of Georgia, because we know that the nation owes her nothing under the treaties cited. We rejected the proposition of the Agent, because we think that it is not expedient to grant it, inasmuch as we have given him all the privileges granted him by treaty, and are ever disposed to support his authority as an Agent, so far as our citizens may be implicated with transgressions. Thus far we have not acted with *ingratitude* towards the General Government, in rejecting these several propositions; it is a privilege and a right which belongs to us, to use our pleasure in complying or rejecting. Therefore, your charge of ingratitude, we conceive, is not consistent with liberality. Your propositions for a special cession of a tract of land, cannot be acceded to. The offer of *money* is not a consideration which can effect to alter the rejection which has already been made. You have been told, in positive terms, that *one foot of land* cannot be sold. You state that you are informed that the Council had, on

a former occasion, set much longer than the present session. Your informant is mistaken. Twenty-five days is the longest session we have ever had at this place, and the present session has now entered the twenty-seventh day. You have no grounds to complain of a sudden close of our negotiations; the subject has been fully discussed. We now consider this a final close of our negotiation, and beg leave to take you by the right hands, as we met, in brotherly friendship, and as such may we ever continue.

PATH KILLER, ⋈ *Principal Chief.*
MAJOR RIDGE, ⋈ *Speaker of the Council.*
JOHN ROSS, *Pres't. National Committee.*

A. M'Coy, *Clerk N. Committee.*

To D. G. Campbell & James Meriwether, Esqs.
United States' Commissioners.

28th October, 1823.

The Board, after deliberation, determined that any further communication to the Council, at this time, was unnecessary, and therefore adjourned *sine die.*

Attest, WM. F. HAY, *Secretary.*

E.

Extract of a Letter from the Cherokee delegation, to the President of the United States, dated

City of Washington, *January* 19, 1824.

"The Cherokee nation labor under a peculiar inconvenience, from the repeated appropriations which are made for the purpose of holding treaties with them for lands; this circumstance has been productive of much evil to the improvement of the nation in the arts of civilized life, as it cannot be denied, that it has retarded its progress, by unsettling the prospects of individuals. The Cherokee nation have now come to a decisive and unalterable conclusion, not to cede away any more lands; the limits reserved, under the treaty of 1819, is not more than sufficient for their comfort and convenience, taking into consideration the great body of mountains, and poor lands, which can never be settled. It is a gratifying truth, that the Cherokees are rapidly increasing in population; therefore, it is an incumbent duty on the nation to preserve, unimpaired, the rights of posterity to the lands of their ancestors. We have told you of the decisive and unalterable disposition of the nation, in regard to their lands. Father, we would now beg your interposition with Congress, on behalf of your red children, the Cherokees, so that provision may be made, by law, to authorize an adjustment between the United States and the

state of Georgia, so that the former may be released from the existing compact, so far as it respects the extinguishment of the Cherokee title to lands within the chartered limits of Georgia."

DEPARTMENT OF WAR,
January 30, 1824.

GENTLEMEN: The President has received your letter of the 19th inst. and after giving to it that mature consideration, which the importance of the subject, to which it refers, demands, he has directed me to communicate to you the following answer:

By the compact with Georgia, the United States are bound to extinguish, for the use of the state, the Indian title to lands within the state, as soon as it can be done *peaceably*, and on *reasonable* conditions; and the Legislature, and Executive of Georgia, now press the fulfilment of that stipulation, with the utmost possible earnestness. This Government is anxious to fulfil the agreement, provided it can be done on conditions which accord with the import of the compact, and which will also be satisfactory to the Indians. With a view to this object, we wish to have a free communication with you, the chiefs of the Cherokees, and to appeal to the good sense, and to the interest of the nation, as pointed out by their own experience, and by that of their ancestors, for two centuries back.

You must be sensible that it will be impossible for you to remain, for any length of time, in your present situation, as a distinct society, or nation, within the limits of Georgia, or any other state. Such a community is incompatible with our system, and must yield to it. This truth is too striking, and obvious, not to be seen by all of you. Surrounded, as you are, by the people of the several states, you must either cease to be a distinct community, and become, at no distant period, a part of the state, within whose limits you are, or remove beyond the limits of any state. For the United States to fulfil the compact with Georgia, the title which you hold to lands, as a distinct community, must be extinguished, and the state objects to the extinguishment of it, by vesting in you, or in any of you, in lieu thereof, the right of individual ownership. If any of you acquire that right to land, and remain there after the bond, which holds you together, as a distinct community, is dissolved, and your present title is extinguished, it must be by purchasing the property, and acquiring the title from the state within which it is.

It remains for the Cherokee nation to decide for itself, whether it will contribute most to their own welfare and happiness, for them to retain their present title to their lands, and remain where they are, exposed to the discontent of Georgia, and the pressure of her citizens, or to cede it to the United States, for Georgia, at a fair price, to be paid, either in other lands beyond the Mississippi, or in money, to be vested in lands to be purchased for them, as individuals, within that

or any other state. Should the nation decide to relinquish its present title, and to adopt either of the alternatives suggested, this Government is disposed to act generously with them. If they prefer to move in a body westward of the Mississippi, measures will be taken to acquire lands for them there, in sufficient amount, and in the quarter most agreeable to them. Facilities will also be afforded for their removal. Should they prefer to receive the value of their title, in money, with a view to purchase lands in any of the states, and become citizens thereof, in that case, a fair price will be given, and proper aid afforded them for the accomplishment of their object. Should the nation divide, and a portion of it pass the Mississippi, and the residue remain on this side, measures will be taken to give effect to their wishes, by the compact to be entered into in both respects.

I have, &c. &c.

J. C. CALHOUN.

MESSRS. JOHN ROSS,
GEO. LOWREY,
MAJOR RIDGE, and,
ELIJAH HICKS,
Cherokee Delegation.

CITY OF WASHINGTON,
February 11, 1824.

SIR: We have received your letter of the 30th ultimo, containing the answer which the President directed you to communicate to us, in reply to a particular subject embraced in the letter which we had the honor of laying before him on the 19th ultimo.

In this answer we discover new propositions for the extinguishment of Cherokee titles to lands, for the benefit of Georgia. We beg leave to say to the President, through you, the Cherokee nation are sensible that the United States are bound, by its compact with Georgia, to extinguish, for the use of that state, the Indian title to lands within the limits claimed by the state, as soon as it can be done *peaceably* and on *reasonable* conditions; " and are also sensible, that this compact is no more than a conditional one, and, without the free and voluntary consent of the Cherokee nation, can never be complied with on the part of the United States; and, having been duly authorized to make known to the Government of the United States the true sentiments and disposition of the nation, on this subject, the President has been informed, that the Cherokees have come to a *decisive* and *unalterable* conclusion, *never* to *cede away* any more lands." And, as the extinguishment of Cherokee title to lands can never be obtained, on conditions which will accord with the import of the compact between the United States and Georgia, it is desirable

that the Government should adopt some other means to satisfy Georgia, than to remain any longer under anticipation of being enabled to accomplish the object of purchasing the Cherokee title. The United States now possess an extensive territory in the Floridas: Why not extend the limits of Georgia in that section of country, if her present bounds be considered too small? The Cherokee Nation have never promised to surrender, at any future period, to the United States, for Georgia, their title to lands; but, to the contrary, the United States have, by treaties, solemnly guarantied to secure to the Cherokees, forever, their title to lands which have been reserved by them. Therefore, the state of Georgia can have no reasonable plea against the Cherokees, for refusing to yield their little all to the United States, so that her own aggrandizement may be raised upon their ruins.

You express a wish "to have a free communication with us on this subject, and to appeal to the good sense, and to the interest of the nation, as pointed out by their own experience, and by that of their ancestors, for two centuries back." In accordance with your wish, we will speak frankly, and with all the good sense we may possess, and keeping strictly in view the interest of our nation, looking back to circumstances which have transpired, and endeavor to trace the causes which produced them; and, also, to observe the present state of things, and look forward to such objects as may be practically attainable, for the best interests of the Cherokee people.

By tracing the situation of our ancestors for two hundred years back, we see nothing desirable, but much to deplore. The happiness which the Indians once enjoyed, by a quiet and undisturbed ease, in their primitive situation, before the face of the white man was seen on this continent, was now poisoned by the bad fruits of the civilized tree, which was planted around them. Tumultuous wars arose, and the mountains and plains were covered with carnage, and the Elysian vallies drenched with blood; and many noble tribes, whose unfortunate doom it was to have been overshadowed by the expanded branches of this tree, drooped, withered, and are no more. Such are the scenes brought to our view, by looking back to the situations of our ancestors, at the period to which you have called our attention. Let us now, for a moment, seriously reflect on the true causes, which have universally produced the extinction of Indian tribes, when they become merged into the white population, and we doubt not, that it will be admitted at once, that, by ambition, pride, and avariciousness of the civilized man, the untutored sons of nature became a prey. Defrauded out of their lands; treated as inferior beings, on account of their poverty and ignorance; they became associated with the lowest grade of society, from whom the habits of intemperance, debauchery, and all the vices of degradation peculiar to that class, were by them soon imbibed. Their lands having been swept from under their feet, by the ingenuity of the white man, and being left destitute of a home, ignorant of the arts and sciences, and possessing no experience in the employment of a laborious and industrious life, to obtain a living, they became straggling wanderers amongst strangers;

and, by oppressions, their spirits were depressed, and considering themselves degraded, they were induced to hurry away their troublesome existence, by inhaling the noxious vapours of intemperance, (a fatal remedy,) to settle their doom of extinction. Such have been the circumstances and causes, which have swept into oblivion the names of many tribes of Indians, that once possessed and inhabited the soil of these United States; and such must be the fate of those tribes now in existence, should they be merged into the white population before they become completely civilized, and shall have learned the arts and sciences; and such would be the fate of a large portion of the Cherokee Nation, were they to cede away all their lands, and now become incorporated with the whites.

You say, that "we must be sensible, that it will be impossible for us to remain for any length of time in our present situation, as a distinct society, or nation, within the limits of Georgia, or of any other state, and that such a community is incompatible with your system, and must yield to it; and, that we must either cease to be a distinct community, and become, at no distant period, a part of the state within whose limits we are, or remove without the limits of any state;" and that "it remains for the Cherokee Nation to decide for itself, whether it will contribute most to their own welfare and happiness for them to retain their present title to their lands, and remain where they are, exposed to the discontent of Georgia, and the pressure of her citizens, or to cede it to the United States, for Georgia, at a fair price, to be paid, either in other lands, beyond the Mississippi, or in money." Sir, to these remarks we beg leave to observe, and to remind you, that the Cherokees are not foreigners, but original inhabitants of America; and that they now inhabit and stand on the soil of their own territory, and that the limits of their territory are defined by the treaties which they have made with the Government of the United States; and that the states, by which they are now surrounded, have been created out of lands which were once theirs; and that they cannot recognize the sovereignty of any state, within the limits of their territory. Confiding in the good faith of the United States, to respect their treaty stipulations with the Cherokee Nation, we have no hesitation in saying, that the true interest, prosperity, and happiness of our nation, demands their permanency where they are, and to retain their present title to their lands. In doing so we cannot see, in the spirit of liberality, honor, magnanimity, equity, and justice, how they can be exposed to the discontent of Georgia, or the pressure of her citizens. An extent of territory twice as large, west of the Mississippi, as the one now occupied by the Cherokees, east of that river, or all the money now in the coffers of your Treasury, would be no inducement for the nation to exchange, or to sell their country. It rests with the interest, the disposition, and the free consent of the nation, to remain as a separate community, or to enter into a treaty with the United States, for admission as citizens, under the form of a territorial or state government: and we can only say, that the situation of the nation is not sufficiely

improved in the arts of civilized life, to warrant any change at present. Therefore, the subject must be left for our posterity to determine for themselves, whenever the whole nation shall have been completely and fully civilized, and shall have possessed the arts and sciences.

With considerations of high respect and esteem,
We have the honor to be, sir,
Your very obedient humble servants,
JOHN ROSS,
GEO. LOWREY,
MAJOR RIDGE, ✕.
ELIJAH HICKS.

Hon. JOHN C. CALHOUN.

DEPARTMENT OF WAR,

17th February, 1824.

SIR: I am directed by the President of the United States. to enclose for your information, copies of a communication from the Cherokee delegation, now at this place, the answer of this Department to their communication, and their reply, by which you will perceive that the nation is very adverse to making any additional cessions to the United States.

I avail myself of the opportunity to assure you that it will afford the President much pleasure to adopt any measure in his power, which may tend to the fulfilment of the convention with the state of Georgia, with the least possible delay. With this view, he would be gratified to receive the aid of your opinion on a subject so interesting to the state over which you preside.

I have the honor, &c. &c.

J. C. CALHOUN.

His Excellency GEORGE M. TROUP,
Milledgeville, Geo.

EXECUTIVE DEPARTMENT, GEORGIA,

Milledgeville, 28th February, 1824.

SIR: I received this day, your letter of the 17th instant. Be pleased to present to the President my acknowledgments, for the attention which he has given to the requisition of Georgia, and espe-

cially, for the manifestation of his sincere desire to adopt any measure in his power which may tend to the fulfilment of the convention with the state of Georgia, with the least possible delay.

In compliance with his wishes, I hasten to lay before him my views and expectations, as connected with this fulfilment. In your effort to open a negotiation with the Cherokee deputation for extinguishment of claims, you are met by a flat negative to two fair and liberal propositions. The first, to purchase for valuable consideration in money. The second, to accommodate them with equivalent territory, in favorable situations beyond the Mississippi. Unreasonable as the answer has been, my mind was fully prepared for such a one. It had been made known to me, some time before, that a council had been formed in the nation, for the special purpose of coming to the resolution, that the state of Georgia should never acquire, for any consideration, another acre of Cherokee land, either through the agency of the United States, or otherwise; and, in conformity with this resolution, all the measures were preconcerted, to enable the chiefs to present themselves before the President, with a boldness bordering on effrontery, and to receive this first advance to negotiation with the emphatic No! A word easily pronounced, but, in this instance, most unadvisedly. Not the spontaneous offspring of Indian feeling and sentiment, but a word put into his mouth by white men, who are nourished and protected by the power of the United States, who have no common interest or sympathies with those whom they instigate to use it; and who, fixed upon the soil almost without metes or bounds, regard it as a goodly heritage for their descendants, which no power or limit can take away.

From the day of the signature of the articles of agreement and cession, this word ceased to be available to the Indians for any permanent interest of their own. From that day, the power of protestation, which they have so recently interposed, departed from them, and could never be used, but for a little delay, or for a better bargain. On that day, the fee-simple passed from the rightful proprietors to Georgia, and Georgia, after a lapse of twenty years, demands nothing of the competent authority, but the amotion of the tenants in possession—the answer is not only No! but never! and is this a fit and proper one to be given to the people of Georgia, who have endured so long and so patiently? who have parted with an empire for a song; who have waited to see the United States reimbursed all their expenses, and a nett revenue flowing into their coffers, from the land which was their birth-right? A people who, having made a little reservation for themselves by compact, are now told, in answer to their just and reasonable demands, that this compact is only conditional, depending for its fulfilment on the will and pleasure of the Indians; that the primitive aboriginal rights are such now, as they were before the discovery of the country, and that, if Georgia wants land, the United States have enough in Florida, or elsewhere, to give her. How is this insult to be repelled, proceeding as it does, from the polluted lips of outcasts and

vagabonds, who make the chiefs the instruments of reiterating it at Washington? No, Sir, this trick of vulgar cunning, is only to be met by the firmness and dignity which become the United States' Government; which it has never failed to manifest on every occasion calling for it, and which he who is the special depositary of these sacred qualities, has always displayed to so much advantage to his high office and to the country. The Indians must be made to understand that no talks will be listened to, but such as proceed from councils strictly Indian in character and composition; that the compact with Georgia is a very different instrument from that which has been represented to them; that, by it, the word of the United States is passed, and that nothing can redeem it but the cession of all the lands within her limits; that the time has come, when, to postpone this redemption, would be essentially a breach of faith, of which the United States will never permit herself to be suspected; that, consulting the comfort and happiness of the Indians alone, the United States have omitted to press this measure upon them, until the very last hour; that, the United States have made sacrifices for Indian interest, and will expect some small ones from the Indians in return; that, if they desired civilization, nothing is more consistent with it, than concentration; and that, without regard to acquisition of territory for her own benefit, the United States have acted on this principle from the beginning, as a fundamental one in their system of improvement; that, beyond the limits of Georgia, and within the territory proper of the United States, there are lands enough for the Cherokees and all their generations to come, of which the United States possess the full and absolute dominion, where they may sit down in quiet and peaceful enjoyment, and where none can come to make them afraid; that, on the other hand, if, tired of the arts of civilization, they will betake themselves to their old pursuits, you have made a fair and liberal offer of wilderness enough, abounding in game, where the white man will not speedily come to trespass or annoy; that, in presenting these honorable overtures, you are actuated by a sincere regard to Indian interest; that, in the rejection of both, you can perceive nothing but an unfriendly spirit; and, that, finally, if they persevered in this rejection, the consequences are inevitable—

1st, That you must assist the Georgians in occupying the country which is their own, and which is unjustly withheld from them; or, 2dly, in resisting the occupation, to make war upon, and shed the blood of your brothers and friends.

Having said so much, it remains only to advert to the other topics contained in your letter to the Indian delegation, and for these, a word will suffice. 1st, The reservation of a part of our territory for the settlement of the Indians. 2dly, Their incorporation into, and amalgamation with, our society. As to the first, the answer is, the articles of agreement having made no provision for such reservation, none can be made without the consent of Georgia, and that Georgia will never give her assent to any, without an equivalent (if

she would with one) is absolutely certain. With regard to the second proposition, the answer is, that if such a scheme were practicable at all, the utmost of rights and privileges which public opinion would concede to Indians, would fix them in a middle station, between the negro and the white man; and, that, as long as they survived this degradation, without the possibility of attaining the elevation of the latter, they would gradually sink to the condition of the former—a point of degeneracy below which they could not fall; it is likely, before they reached this, their wretchedness would find relief in broken hearts. Most assuredly, nothing will contribute so essentially to that scanty share of human happiness which is left them, as their concentration and insulation, where, having enough for the wants of agriculture, they will, in their seclusion, afford no pretext for the intrusions or annoyances of the white man.

Thus, frankly, in compliance with the request of the President, I submit to him my general views on this interesting subject. Thus, frankly, I will deem it my duty to submit them to the Legislature of the state; they are such, no doubt, as have already suggested themselves; they seem to me, the only ones which the attitude assumed by the Indians, will suffer us to entertain. I am sorry I cannot support them by matter of fact information of official character; to me this is impossible. I can only say, generally, that, among men, best informed on Cherokee affairs, the minds of a majority of the nation are well prepared to receive your proposition for removal.

In conclusion, I must state, not only my hope, but my conviction, that the President will perceive, in every movement on our part, in relation to this business, a sincere desire to harmonise with the Union; to maintain peace and tranquillity with the Indians, until longer forbearance will cease to be a virtue; in fact, to lend ourselves, as we have always done, heart and hand, to the support of every wise and virtuous administration of the General Government. But, the President will at the same time consider, that Georgia has a deep stake in the prompt decision of the present question. Of all the old states, Georgia is the only one whose political organization is incomplete; her civil polity is deranged; her military force cannot be reduced to systematic order and subordination; the extent of her actual resources cannot be counted; the great work of internal improvement is suspended, and all, because Georgia is not in the possession of her vacant territory; a territory, waste and profitless to the Indians, profitless to the United States; but, in possession of the rightful owner, a resource of strength, of revenue, and of union.

Whilst you present to the President my respects, be pleased to accept for yourself, the offer of my high consideration for the part you have taken in this transaction.

G. M. TROUP.

Honorable J. C. CALHOUN,
Secretary of War.

DEPARTMENT OF WAR,

19*th February*, 1824.

GENTLEMEN: I transmit, by direction of the President of the United States, for the information of the Georgia delegation, in Congress, copies of a communication from the Cherokee deleg ation, now at this place, the answer of the Department to their communication, and their reply.

I have the honor, &c.

J. C. CALHOUN.

To the Hon. JOHN ELLIOTT, and the Hon. JOHN FORSYTH, *and the other gentlemen composing the Georgia delegation in Congress.*

Copy of a letter from the Georgia Delegation in Congress.

THE PRESIDENT OF THE UNITED STATES:

The Secretary of War has addressed to the gentlemen composing the Georgia Delegation to Congress, copies of the extraordinary documents furnished by persons who are called the *Cherokee Delegation.* As this is believed to be the first instance in which a diplomatic correspondence has been held with *Indian chiefs*, and in which they have been addressed by the Department of War, in the same terms with those used to the *representation of a state*, it becomes a subject of inquiry in what light the Cherokees are at present viewed by the Government of the United States. If as an independent nation, to be treated with by all the forms of diplomatic respect, the negotiation with them should be transferred the to Department of State, and will, no doubt, be preceded by a proper examination into their authority to speak for the Cherokee tribe on matters affecting its prosperity and existence. If to be viewed as *other Indians*, as persons suffered to reside within the territorial limits of the United States, and subject to every restraint which the policy and power of the General Government require to be imposed upon them, for the interest of the Union, the interest of a particular state, and their own preservation, it is necessary that these misguided men should be taught by the General Government, that there is no alternative between their removal beyond the limits of the state of Georgia and their extinction. The Government of the United States will deceive them grossly, if they are led to believe that, at this day, *their* consent is necessary to the fulfilment of *its* obligations to the state of Georgia. Their will must yield to the paramount duties of the General Government to itself, and to *each member* of the confederacy. The Cherokees allege (if, indeed, the representation made, is made with their authority,) that they are resolved neither to leave nor sell the lands on which they reside, lands which belong to the state of Georgia; over which Georgia did claim sovereignty until the adoption of the Federal Constitution, and

over which she will exercise her powers, whenever any administration the General Government resolves to fix permanently upon them, any persons who are *not*, and whom she will never suffer to *become*, her citizens. The doctrines of the General Government, sanctioned by the highest tribunals, vindicate the claim of Georgia to the ownership of the soil. The Indians are simply *occupants*, tenants at will, incapable of transferring even their naked possession, except through the instrumentality of the United States, to the state of Georgia. Aware of the tenure by which their temporary possession is held, their head men have sought in many instances to secure from the United States a title to the soil itself. Stipulations have been entered into by the General Government, equally contradictory to the rights of Georgia, and the obligations of the United States. Stipulations, however, which show that the General Government have the acknowledged right to transfer the possession of the Cherokee lands to the state of Georgia. The power which takes from the Cherokee *tribe* a portion of soil, to confer it on a Cherokee *Chief*, under a different tenure, can rightfully take from the Cherokee nation for the benefit of a state.

It is with deep concern that the necessity is felt of pressing upon the General Government the considerations that are due to its character for good faith in its contracts with a member of the Union. Since the year 1802, implicit reliance has been placed in the General Government, and the just expectation has been indulged, that in the execution of its high duties, the Executive administration would carefully and steadily pursue the object for which the faith of the Union was pledged; the *peaceable extinguishment*, on *reasonable terms*, of the *Indian title* to all the lands within the territorial limits of Georgia. In 1817, the public declaration of the President to Congress, that an arrangement had been made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole of the lands possessed by the Cherokee tribe, eastward of that river, in the states of North Carolina, Tennessee, and Georgia, and in the territory of Alabama, would be soon acquired, gave a just expectation that the national pledge given to Georgia would be redeemed. In the eight years which have succeeded, these anticipations of the President have been realized every where but in Georgia. The successive purchases made since that period, have crowded the Cherokees out of Tennessee, Alabama, and North Carolina, almost altogether into Georgia; and the terms upon which they have been made, have created all the difficulties now encountered in the *peaceful acquisition*, on *reasonable terms*, of the lands upon which the Cherokees are now permitted to remain: difficulties which are every hour increasing, from the policy pursued by the General Government. It is, with all due respect, a subject of serious inquiry, what produced the extraordinary change in the wishes of the Cherokee tribe, as expressed in the treaty of 1817? How it happened that the Cherokees of the *upper* towns, most of whom were without the limits of Georgia, and who desired to be permanently fixed on the lands upon which they then lived, were in-

duced, in 1819, to abandon their designs, and many of them to become inhabitants of the region beyond the Mississippi, while the Cherokees of the lower towns (most of them *within* the state of Georgia.) anxiously desiring to remove in 1817, were, in 1819, tempted to remain, and filled with the desire of a permanent establishment there? The same exertions which produced *this*, can effect *another* change; can induce the remnant still in the limits of Georgia, to follow their brethren to the west, to a territory which the General Government can rightfully bestow upon them as a temporary or permanent property, without interfering with the right, or encroaching upon the sovereignty, of any state. Argument is not necessary to show, that a power which interposes obstacles to the accomplishment of its own promises, violates its faith; and that, to plead the impossibility to perform an engagement, when that impossibility is produced by those who engaged to perform it, would be equally dishonorable and hypocritical. The President is probably not aware that the United States will be liable to such accusations, if the present moment is suffered to pass without a full compliance, on their part, with the obligation of the treaty of cession of 1802. What has created the strong desire of the Cherokee Indians to remain where they are? The policy of the General Government; the pretended guaranties of their possessions; the attempted changes in the nature of their titles to them; the lessons received from their masters in the arts of civilized life; the acquisition of property, and the desire of extending and securing it; a policy just and generous to the Indians, but solely at the expense of a member of the Union; at war, not less with the rights of that member of the Union, than with the solemn promises of the General Government. The United States have the same right to colonize a tribe of Indians from the Columbia or Red River, in Georgia, as they have to pursue a system of policy whose aim or end shall be the permanency of the Cherokees within that state.

If the Cherokees are unwilling to remove, the *causes* of that unwillingness are to be traced to the United States. If a peaceable purchase cannot be made in the ordinary mode, nothing remains to be done but to order their removal to a designated territory, beyond the limits of Georgia, and giving an ample equivalent for the territory left by them, and an ample support to the territory granted to them. An order of this kind will not be disregarded by the Cherokee tribe, whose interest will be essentially promoted by a compliance with it, (whatever may be the effect of it upon a few *chief men*, who seem to consider *their own interest* as separate and distinct from that of their brethren,) as it must be obvious, that a tranquil and undisturbed possession of a permanent property, can alone enable them to acquire the arts of civilized life, and to secure to them its benefits.

Our duty is performed by *remonstrating* against the policy heretofore pursued, by which the interests of Georgia have been disregarded, to the accomplishment of other objects of general interest; and a compliance with a solemn promise postponed, for the acquisition of territory for the General Government; and by *insisting*, as we do,

most *earnestly*, upon an immediate fulfilment of the obligations of the articles of Cession, concluded in 1802, as the only means by which justice can be done to the state we represent, and the character of the General Government be vindicated.

J. ELLIOTT, N. WARE, } *Senators.*

JOEL ABBOT, GEO. CARY, THOS. W. COBB, W. CUTHBERT. JOHN FORSYTH, WILEY THOMPSON, } *Representatives.*

Washington, March 10, 1824.

F.

Copy of a letter from C. Kingsbury to the Secretary of War.

WASHINGTON, D. C. *May* 2, 1816.

SIR: Perhaps I have already intruded too much upon your time. The probability that I shall not see the Secretary, before the sum to be placed at the disposal of Col. Meigs is specified, is my apology for this communication. If it was an application for a favor *merely* personal, I should be inexcusable for troubling you in this way.

I have no doubt of the disposition of the Secretary of War, or of the President, to favor my object, so far as their acquaintance with it will enable them to confide in the wisdom of the design, and in the skill and fidelity with which it will be executed. I only regret that I have not been able to state more fully the motives which influenced the very respectable society, in whose employ I have the honor to serve, to adopt measures for the instruction of the Indians, and which influenced my own mind to engage in their service. It was my design to have stated them while at the President's, but a suitable opportunity did not appear to be presented.

The settlement of this country by our forefathers has, in various ways, proved disastrous to the natives, notwithstanding the laudable exertions, both by the Government and by individuals, to counteract such a result. Very different have been the consequences to ourselves.

Considering the relation in which we now stand to these people, it has appeared to be not only a dictate of humanity, and a duty enjoined by the Gospel. but an act of justice, to adopt efficient measures for extending to them the distinguished blessings which we enjoy; and that this is a duty binding on individuals, as well as on the Government. To accomplish this object, no measure appeared so likely to succeed, as to begin with the instruction of the rising generation. It was believed that the exertions which the Government are making to

civilize the Indians could not be better aided, than by establishing schools.

The subject has also been viewed in its connexion with national interest, and national *happiness*. It is equally the dictate of sound reason, and the result of past experience, that kind and benevolent exertions to instruct the Indians have a most powerful influence to gain their confidence, and secure their friendship. Probably no other means could be so successfully employed, to prevent the recurrence of expensive and bloody Indian wars, and to give permanent security to our frontier settlements.

These are some of the considerations which formed the ground of the present application to Government. It was believed that, when the design was understood, it would receive the cordial approbation of the Executive, and a liberal patronage, so far as it could be conveniently granted.

It is not requested that any appropriation should be made for my support, or for the support of any person who may be employed in the school; but that it should be appropriated to the erection of suitable buildings, and to the purchase of such mechanical instruments, and implements of husbandry, as may render the establishment respectable and useful. The appropriations to be made through the hands, and at the discretion, of the Government agent.

Whether it will be best to have one or two large schools, or a number of small ones, must be determined by circumstances. It is only wished that that mode may be adopted, which will be most useful.

I observed, that this was not an application for a favor *merely* personal. Mr. Crawford will not suppose that I can have any pecuniary interest to promote by the object. But, as it is an object in which I have embarked with every thing that is dear to me in this life, I must be supposed to feel a peculiar solicitude for its success. I hope the plan that will be adopted, and pursued, will meet the approbation of every enlightened and benevolent man.

With these brief and hasty remarks, I cheerfully submit the *result* to your decision.

With sentiments of high respect and esteem,

Your humble servant,

C. KINGSBURY.

To the Hon. WILLIAM H. CRAWFORD,
Secretary of War.

DEPARTMENT OF WAR,

14*th May*, 1816.

SIR: Your letter of the 2d instant, upon the subject of establishing schools in the Cherokee nation, has been received.

The President approves of the undertaking, and will direct such aid to be given as the laws will permit.

In the first instance, the agent will be directed to erect a comfortable school house, and another for the teacher and such as may board with him, in such part of the nation as shall be selected for that purpose. He will, also, be directed to furnish two ploughs, six hoes, and as many axes, for the purpose of introducing the art of cultivation among the pupils. Whenever he is informed that female children are received and taught in the school, and that a female teacher has been engaged, capable of teaching them to spin, weave, and sew, a loom and half a dozen spinning wheels, and as many pair of cards will be furnished. He will be directed, from time to time, to cause other school houses to be erected, as they shall become necessary, and as the expectation of ultimate success shall justify the expenditure.

The houses thus erected, and the implements of husbandry and of the mechanical arts, which shall be furnished, will remain public property, to be occupied and employed for the benefit of the nation. If the persons who are about to engage in this enterprize should abandon it, the buildings and utensils which shall have been furnished, may be occupied by any other teachers of good moral character.

The only return which is expected by the President is an annual report of the state of the school, its progress, and future prospects. This report should present the mode of teaching, and the deviations from that practised in civilized life, which experience will render necessary. Should you succeed according to your expectations, it is probable that the attention of Congress will be attracted to the subject, and that the means of forwarding your beneficent views will be more directly and liberally bestowed by that enlightened body.

I have, &c.

WM. H. CRAWFORD.

Rev. CYRUS KINGSBURY.

The Secretary of War to Gov. Joseph McMinn.

DEPARTMENT OF WAR,

December 2, 1817.

SIR: On the further consideration of your communication of the 13th instant, the President has instructed me to request that you would remain in the Cherokee nation, at least until the return of Mr. Meigs, provided it may be compatible with your other avoocations, and that you would take the *entire control* and *direction* of all matters in relation to the late treaty, and, in particular, as it relates to the removal of the Indians to the Arkansaw, and the delivery of the articles promised to such of them as do remain. If the instructions which have been given by Mr. Meigs to the sub-agents, in relation to these objects, are inadequate or defective, you will give such additional ones as you may deem proper.

The great importance which is attached to the removal of the Cherokees to the Arkansaw, must be the apology for making this request of you.

I have the honor, &c.

GEORGE GRAHAM.

Gov. Joseph McMinn, *Knoxville, Tennessee.*

Department of War,

March 16, 1818.

Sir: This day the Arkansaw delegation propose to leave Washington, on their return. I trust that the reception which they have met with, will be found calculated to have a most favorable effect on the great object which the Government has in view, that of moving the Cherokee nation to the West of the Mississippi, which, in its probable effects, will lead ultimately to the removal of the Creeks, Chickasaws, and Choctaws. The delegation has been gratified in all of their wishes. By the President's speech, a copy of which will be presented to you by Mr. Houston, you will see that he has expressed the kindest wishes towards the emigrants; and has determined to extend to them a supply of corn, to prevent any distress by so many emigrating at once. He leaves the distribution of rifles to your discretion. He has promised to Col. Glass his island in Tennessee river, which is reported to be very inconsiderable in size, say 18 or 20 acres. It is the desire of the President, that you should obtain such information as may be in your power, as to its position, extent, and value, and report it to this Department. By the direction of the President very considerable presents were distributed to the delegation. To Tonlontousky $1000, and to each of the others $500. This will, no doubt, have important effects in aiding the operations now going on. In fact, I trust that your excellency will see in all that has been done, the zeal with which this Department, under the direction of the President, has entered into the execution of the late treaty, which contains stipulations so important to Tennessee and the rest of the Union.

A few days since, I received your Excellency's two letters of the 12th and 13th of last month, and I am much gratified to see with what spirit the emigration has commenced. The necessity of supplying the emigrants with food, you will see, by the President's speech, has been anticipated. The amount to be supplied, and the mode, is left to your judgment, as the President feels the greatest confidence in your zeal and discretion. It is possible that the advance in corn or corn meal, might, in many instances, be made a set off against improvements which are to be ascertained under the treaty. If any arrangement can be made of that kind, without giving offence, it would be desirable, as it will cause the appropriation to be made by Congress to go much farther. Congress will be asked to appropriate

$, and it is the wish of the President that you should have the whole under your discretion, and that you give it such a direction as you may judge most advisable. Your excellency will, as soon as the appropriation is made, be notified of the amount, and vested with full powers to make any arrangement that you may judge best to effect the object in view.

The meeting of the Cherokees, according to your suggestion, is thought to be important, and Mr. Meigs will be instructed to call them together, at such times as you may deem best. It is important that the Arkansaw delegation should be present. The address of the President to the delegation, of which a number of copies have been printed, will evince to the nation, when assembled, the wishes and intentions of the President.

The two questions which your excellency proposes, in your letter of the 13th, have both been considered, and I entirely concur with you in respect to both. The Cherokee who may take a reservation, and should afterwards surrender it. will have a common right with his brethren on the Arkansaw. The reservation of 640 acres will be in full compensation of all his claims, and the United States will not be bound to pay him for the remainder, or permit him to claim it as his right.

The President will nominate to the Senate Brown and Young, to take the Census of the Cherokees. Mr. Gillespie will be appointed to appraise the improvements. I send a copy of the treaty, and a copy of the claim of Col. Brown, in relation to which you will favor this Department with your opinion.

You will continue to draw on this Department for such expenditures as your measures may require.

I have, &c.

J. C. CALHOUN.

Gov. JOSEPH MCMINN, *Cherokee Agency.*

DEPARTMENT OF WAR,
May 11, 1818.

SIR: I have received your Excellency's letter of the 24th ultimo. I have directed that the account of Robert Bell be admitted to your credit.

As the President has manifested a great desire that you should have the entire control of the execution of the late treaty with the Cherokees, I would prefer that you continue to make the disbursements, unless it should prove very inconvenient to your Executive duties. Should it be inconvenient for you, I hope your accounts may be settled, without requiring your presence at the seat of government, every aid to effect which will be afforded by this Department.

Eighty thousand dollars were appropriated to carry the treaty into execution. The expenditures already made for that object, such as

for boats, rifles, the expense of the visit of the Arkansas delegation to this place, amounting, in the whole, to about $21,255, together with what you may have drawn for and disbursed yourself, being deducted, the balance will be applicable to the completion of such other arrangements as you may think necessary to give effect to the treaty.

I have the honor, &c.

J. C. CALHOUN.

His Ex. Jos. M'Minn,
Knoxville, Tenn.

Department of War,
July 29, 1818.

Sir: By the last Western mail I received your Excellency's two letters, of the 4th and 7th instant, with the accompanying documents. They exhibit a full view of the measures to which you have resorted to carry into full effect the treaty with the Chrrokees, as well as the obstacles which you have encountered. The zeal and discretion which you have exhibited throughout the whole transaction, entitle you to the thanks of the Government, and fully justify the confidence which the President reposed in you.

The conduct of part of the Cherokee nation merits the severest censure. After the ratification of the treaty, resistance to its fair execution can be considered little short of hostility. The menaces offered to those who choose to emigrate, or take reservations, cannot be tolerated. It is an open violation of the treaty, and will, in its final result, not avail them any thing. The United States will not permit the treaty to be defeated by such means. Those who choose to remain are permitted to do so in quiet, and those who choose to emigrate must be equally free. If any can benefit themselves and family by emigration, why not permit them to depart? Such are the principles which govern the United States in relation to its own citizens. Nor can I suppose that those who make such violent opposition to the execution of the treaty are governed by a regard to the good of the nation. Surrounded, as the Cherokees are, by the white population, they are in danger of perpetual collision with them; or, even if disputes can be avoided, to fall under all that train of vice and misery to which a savage people are doomed when they come into contact with enlightened and civilized nations. It is in vain for the Cherokees to hold the high tone which they do, as to their independence as a nation; for daily proof is exhibited, that, were it not for the protecting arm of the United States, they would become the victims of fraud and violence. If the opposers of the treaty are really the champions of the independence of their nation, they ought to be the advocates of emigration to the Arkansaw. There their claim to independence would be much better founded; and there, at a distance from us, they might,

before the white population would crowd on them, acquire the arts of civilized life, and become proper subjects of regular government.

The President, in order to add, as much as possible, to the permanent prosperity of the Cherokees on the Arkansaw, has given them an indefinite outlet to the west; which will continue their independence as long as is practicable. I do not see what an intelligent Cherokee has to hope, situated as his nation is, except in emigrating to the west, or taking reservations, and settling down under the fostering protection of our laws. As our population grows dense around them, it will be out of the power of the Government, itself, to protect them in their present condition. The President, in the proposed change of territory, consulted both their and our interest. On the Arkansaw every effort will be made to render their condition happy, and to lead them to the arts of civilized life. Their prospect, then, in every respect, is much brighter than it would be on this side of the Mississippi, of which fact they ought to be fully satisfied.

Your construction in relation to the reservations is correct. I have examined with care the project of an arrangement which you propose, to carry the treaty into effect. Such an arrangement accords entirely with the views of the Government, if the assent of the Cherokees can be had to it. My fear would be, that, by presenting so bold a scheme at once, you would augment the violence of the opposition, and might endanger the final success of the measures which you have been pursuing. This I merely suggest, for you must be much more competent to judge, being on the spot, and being individually acquainted with their leading characters, than myself. You will, therefore, continue to exercise your discretion as you have heretofore done, on this as well as on all other points. If you think they can be brought into the plan which you propose, the Government would not hesitate to make the most liberal advance to the nation. I should think the terms you propose moderate.

In compliance with your request, I have directed your project of an arrangement to be copied, and will transmit it to you in the form of instructions, to be used if you should judge it expedient; but would not advise the bringing them forward from the Government, unless you should be confident of success. I have varied it as to the amount proposed, which I have fixed at $100,000; but even that sum might be considerably enlarged, if necessary to effect the arrangement. As to the time of taking the census, you are the best judge. The longer it can be fairly postponed the better for us; but I would not delay it in the hopes of effecting all our objects, provided they will desist from menaces, and an improper opposition. I would state to them expressly, that, until they withdrew their improper opposition, the census would not be taken.

I have, &c.

J. C. CALHOUN.

His Ex. Joseph M'Minn,
Murfreesborough, Tenn.

DEPARTMENT OF WAR,
July 29th. 1818.

SIR: Mature reflection having convinced me that it would add greatly to the interest of the United States, as well as to the Cherokee nation, if the late treaty with them could be carried into full effect, by inducing that nation either to take reservations, and become citizens of the United States, or to emigrate to the Arkansaw, and enjoy that life which is so agreeable to many of them, I have thought proper, through you, to propose the enclosed arrangement, which, if it should be adopted, will render the execution of the treaty simple and easy. It is to be hoped that the more intelligent part of the Cherokee nation will be convinced that, surrounded as they are by the white population, it will be impossible that they can continue long in their present condition, without sustaining the greatest inconvenience; but they may still be happy, by taking reservations, and putting themselves and posterity under the protection of our laws, or by emigrating to a greater distance from our settlements. Both of these means are held out to them. Those who are fond of their present state of society may emigrate with advantage to a country which, in every respect, will suit them much better; and those who wish for property and protection may take reservations. Universal experience proves that a people, still in a savage state, cannot reside in the immediate neighborhood of a civilized nation without falling into a state of vice and misery. By removing to the west, the Cherokee nation will obtain time, before they can be crowded by the whites, to become civilized, and capable of enjoying the advantage of equal laws. The Government of the United States will be still mindful of them in their new homes, and afford them every means to render themselves happy. Reflection ought to teach them that the arrangement would add much to their prosperity. Let them reflect how nation after nation have sunk before the United States, and they will see the necessity of coming into our views. You will present these ideas to them, in the manner you may judge best to cause them to be fully comprehended.

I have, &c.

J. C. CALHOUN.

His Ex. JOSEPH M'MINN.

DEPARTMENT OF WAR,
December 29, 1818.

SIR: I have received your two letters of the 29th November, together with the papers detailing the proceedings at the last Council of the Cherokee nation.

The tone of the nation has greatly altered. That high spirit of independence which they assumed some months since, has subsided into an acknowledgment of their dependance on the Government of

the United States, and whatever may have been their former opposition to the fair execution of the treaty, they appear now disposed to act correctly. I do not now see any sufficient reason to delay the taking of the census for which the treaty provides, and for the taking of which, commissioners have already been appointed on our part. You will, therefore, notify the Cherokees, (in order that they may appoint a Commissioner,) that the census will be taken in June next; or, if you should judge an earlier period practicable. at such time as you may designate. The information must also be given to the Cherokees on the Arkansaw, immediately, that they may have their Commissioner appointed in time.

The rifles and other articles mentioned in your letters will be forwarded immediately. The state of the Indian fund, and particularly that for carrying the Cherokee treaty into effect, will not permit arrangements so extensive as the establishment of the stores which you suggest. If the President had acceded to the proposition, he would have availed himself of your zeal and experience to carry it into effect. The means of preserving the public stores, and preventing the intrusion of the white people are left to your discretion, which I doubt not you will effect in the most judicious and economical manner.

It is to be hoped that the effects of the measures which have been pursued, will, in a few years, accomplish the object of the Government. The number of the Cherokees on the Arkansaw will be annually increasing by emigration; and those who remain behind will be compelled, from circumstances, to take reservations, and become citizens.

I transmit a statement of the state of the appropriation to carry the Cherokee treaty into effect. The balance that remains is small, but I hope there will be no considerable deficit.

I have, &c.

J. C. CALHOUN.

Governor Joseph M'Minn.

Extract of a letter from Joseph McMinn, Esq. to George Graham, Acting Secretary of War, dated

"Cherokee Agency, 29*th December*, 1817.

"In consequence of indisposition, I was compelled to reqnest Mr. Houston, Sub-Agent, to acknowledge the receipt of your several favors of the 29th November, and 2d instant, and for the very honorable trust conferred, I beg leave to tender my sincre acknowledgments, with a promise that nothing within my power shall be wanting to promote the best interest of my country.

I arrived at Highwassee garrison on the 6th instant; on the 8th, I was notified that the Indians expressed a wish to hold a talk with

me, on the 10th, at that place. In the course of which, I endeavored to impress upon their minds the certainty of the ratification of the late treaty, and urged, as a reason, that every article stipulated to be given the emigrants, was then at that place, and ready for delivery, and invited them to take a view of the property, as well those who had made their election to stay, as those about to migrate. The superior quality of the rifles, blankets, &c. had a very pleasing effect upon all present, each of whom was invited to give publicity to what they had heard and seen.

I then recommended a meeting at the agency on the 19th, for the purpose of issuing rifles, blankets, kettles, &c. and I received your instructions on the 16th, which were so perfectly adapted to suit the occasion, as to dispel every appearance of opposition, although two very formidable plans had been laid to defeat the object. The first was, that the Cherokee light horse should wrest the property from the emigrants, which was to be given by the United States, and apply it to the satisfaction of debts contracted by the emigrants in the year past; so soon as this project was communicated, I issued an order, forbidding all such attempts, and declaring that I would view it in the light of hostility against the United States, and would punish its perpetrators accordingly. Mr. Houston carried this order into effect, with a promptitude, not less characteristic of his integrity, than zeal for his country, by arresting the first offender, who returned the property without a moment's hesitation. The course taken on this occasion, had the happy effect of dispersing this band of legal robbers. In the second place, a plan was laid to deprive me of the United States' Interpreter, for his friendly disposition towards the emigrants, by not only threatening his removal from office, but his life also."

Extract of a letter from Joseph McMinn, Esq. to the Secretary of War, dated

"KNOXVILLE, 18*th January*, 1818.

"The Arkansaw delegation left here on the 16th instant, in good health, and comfortably clothed, against the winter. I have received an official letter from the Cherokee agency, dated the 12th instant, every thing has been conducted entirely to my expectations. Sixteen rifles, &c. have been issued in my absence up to the date referred to, and I have this moment received a verbal message from Col. Meigs, since his arrival at the agency, stating that he was not more pleased, than astonished, to find the natives so harmoniously engaged in preparing to remove, and that he was about furnishing provisions for the emigrants, spoken of in my last to you, who were on the verge of setting out."

Extract of a letter from Joseph McMinn, Esq. to the Secretary of War, dated, June 8, 1818.

"I will now proceed to give you an outline of passing events, since the date of my last. Col. Meigs and myself notified the whole Cherokee nation, in due time, and in a manner expressive of every mark of attention on behalf of the Government, by each of us addressing a letter to the king (Path Killer,) and Charles Hicks, which were forwarded by the sub-agent; and the shameful abuse they have made of those civilities, demand an explicit disclosure. On the receipt of these letters, they summoned the chiefs of fourteen towns, who, in council, resolved, that your communication should pass without giving it further notice; and, with a view further to stamp their enmity against the Government, they actually employed runners, with orders to threaten the lives of those who would attend at the agency, and, I am sorry to add, that their efforts were marked with only too great success; indeed, the course could not fail to produce that effect, as their means were applied to the hostile and ignorant band spoken of in my letter, on the subject of calling them together; though, out of the very few who attended from that quarter, I was able to give a very good account, and out of the whole who attended, I enrolled 223 families for emigration, and 56 for reservations during our talk; in fact, my anticipations were realized in that, nearly all who attended, evinced a strong disposition to promote the views of the Government."

Extract of a letter from Joseph McMinn, Esq. to the Secretary of War, dated

"Cherokee Agency, 13*th November*, 1818.

"Although I only intended this letter to exemplify in some degree the course which led to those late demands on the Treasury, I will nevertheless state, that the most numerous and respectable council that has been assembled for many years in this nation, is now sitting, with the king at their head; and on yesterday, I occupied their attention by reading sundry extracts from your letters, the object of which was, to exhibit the powers with which I am vested, as well as to shew that you had approved of the measures I had adopted, and in conclusion, read the new plan for carrying the treaty into effect, which had been previously copied, except the clause which you added, fixing the sum to be given, on the part of the United States, which will be kept entirely out of view, until they agree to enter into the arrangement."

[EXTRACT.]

CHEROKEE AGENCY, *Nov.* 29, 1818.

SIR: The meeting of the Cherokees here, which I mentioned to you in my letter, 13th instant, was adjourned last evening, and at present I have only time to give you a hasty sketch of the proceedings; the balance will be forwarded by next mail, which will exhibit the precise course taken on the part of the United States, as well as that of the Cherokees.

I proposed the sum you named, ($100,000,) as indemnity for their removal That was roundly objected to by the Council I then proposed $200,000; $50,000 payable in three months, the balance to be paid in fifteen annual instalments of $10,000 each; which was rejected by the Council in like manner. I then, with a view to foreclose them from making any charges against the Government on the subject of the enumeration, proposed, that, upon their passing a vote of public censure, in open Council, against such of their officers as had violated the treaty by threatening or using violence against the Arkansas emigrants, and by issuing a national proclamation, forbidding such measures in future, that the United States would agree to take the census, in the manner stipulated by treaty, without further delay.

This proposition was founded on the last clause of your letter of the 29th of July last; and although in itself so very reasonable, was, nevertheless, rejected; and to that they added a public declaration, stating, in the most positive manner, that their conduct towards the United States had not been such as to warrant the slightest charge of opposition to the execution of the treaty, or unfriendly treatment towards the emigrants.

Upon these declarations we joined issue, and my first defence was bottomed upon their official acts; and, secondly, I exhibited charges against one of the members of the National Committee, for violence used against Captain Starr, who was then in the employment of the United States. Many attempts were made to palliate the charge; and, ultimately, the Council seemed determined to avoid coming to a decision, which compelled me to demand, in the name of the President of the United States, an avowal, or disavowal, of the charges; and that step alone produced the removal of the officer, and, consequently, placed the United States upon quite eligible ground, which I occupied with the utmost energies of my mind, and succeeded, to a very great extent, in satisfying those present, that all restrictions of every denomination against the Arkansas people and friends of Government, had entirely subsided; and I called upon the King, and all his Warriors in Council, to bear witness of the friendly disposition manifested by the Council on this occasion, and to use their best endeavors to satisfy the minds of their people, who were not present, of all that had taken place.

Having disclosed the most unfriendly features in the late negotiation, I will proceed to state the progress we have made in bringing

about an exchange of countries, from the 20th December, 1817, up to this date, which, I flatter myself, will evince not only the practicability, but certainty, of its completion, in a much shorter period than the most sanguine could have anticipated when the treaty was entered into; though it certainly will require great attention on the part of the Government, and considerable expenditure of treasure.

I have the pleasure to state, that 718 families have been enrolled for emigration since the above date; and, astonishing as it may appear, 289 of that number have been enrolled since the 20th of last month. These, with 146 families who have made reservations, make an aggregate of 864 families who have relinquished their claim to land east of the Mississippi. When we add these to the population settled on the Arkansas previous to the date of the treaty, I believe we may safely conclude that we have one-half of the Cherokee population on our side.

I am, &c.

JOS. M'MINN.

Hon. J. C. CALHOUN,
Secretary of War.

Extract of a Letter from Joseph McMinn, Esq. to the Secretary of War, dated

"CHEROKEE AGENCY, *29th November*, 1818.

"In my farewell address to my Cherokee brothers, I brought to their view the steady course of opposition which they had pursued against the measures of the administration, and added to that, their declaration of independence, from which I concluded, by saying that, they had forfeited their right to protection from the United States, and, in consequence of which, I would discharge the troops, and leave their future movements to the President of the United States.

This course was adopted to convince them of the impropriety of their conduct, in opposing the recommendations which the President and yourself had made, and with the expectation that little or no injury would result, until the pleasure of the President could be known."

CHEROKEE AGENCY, *December* 8, 1818.

SIR: Agreeable to the promise contained in my last letter, I do myself the honor to forward copies of the correspondence between the Cherokee council, and myself, at our last meeting. In addition to the reasoning set forth in those papers, I spent much time, and employed every energy of my mind, in placing their true situation

before them. And to prove how far I have succeeded, I will state, that the King, who tarried three days after his warriors had separated, assured me, that, in a private interview between him and myself, to use his own words, the light which I had communicated to him was so strong, that he could very easily see the path in which his father wished him to go; and that he would have a talk with his own people in ten nights, for the purpose of sending a deputation to see his father, who should possess full power to settle every thing according to his father's wishes.

That talk takes place to-morrow, at the house of the Prince Regent, (Charles Hicks,) and to convince them further of their folly, in endeavoring to retain their savage customs, circumstanced as they now are, I have forwarded a copy of the President's communication to Congress, which I have no doubt will have a good effect. It is confidently believed here, that a deputation will be forwarded, and with me it is not less certain, they will put a final period to an exchange of countries, upon the terms proposed.

In fact, there is none amongst them so ignorant as not to see clearly, that the views of Government are every day gaining strength, and cannot longer be resisted with effect. Withholding protection, as stated in my last, connected with an expected establishment of public stores, have produced more conviction than almost every thing else. I have set on foot a speculation of great interest to the United States, in relation to paying for improvements, which is considered equally so to the emigrants, amongst whom the greatest friendship exists, not only with themselves, but towards the Government, who, they most ardently wish, may continue to superintend the entire execution of the treaty.

I will do myself the pleasure to write you by next, which will pass for eight days.

With sentiments of sincere esteem,

Your obedient servant,

JOSEPH M'MINN.

Hon. JOHN C. CALHOUN,
Secretary of War,

MURFREESBORO', *Ten. January* 26, 1819.

SIR: As it has become impracticable for me to attend at the City with the Cherokees, I trust it will not be unacceptable for me to transmit to you some of the views which I expected to have explained in a persosal interview.

Hicks may justly be ranked as the standard of opposition to the execution of the treaty. In fact, he is their principal legislator and sole judge; and, in every measure, commands the esteem and confidence of all that part of the Nation. His mind has, however, undergone a considerable change; insomuch as to be visible to many who

attended the last conferences: and this change is to be accounted for, in a great degree, by the loss which the Nation sustained, in the selection I made of those persons named in my report of the 24th instant. The remark will particularly apply to Walker, Adair, and Taylor; the latter having been in the employment of the United States for some time, in attending to the delivery of corn to the Arkansaw settlers, and more particularly in exploring the Arkansaw country, with which he professes to be greatly pleased, and has given his friends every reason to believe that he will remove. The understanding connected with his withdrawing, together with Walker and Adair, from the National Council, has been of the most signal service to the United States; and the selection of Walker and Taylor, as two of their chiefs, on the present occasion, can be accounted for in no other way, than as a measure calculated to reconcile them to the General Government, in the distribution of its favors.

With me, they have always urged, as I presume they will with you, a division of their country, by which those who did not choose to remove, should be permitted to remain in the full exercise of all their savage customs during their pleasure. But all applications of this kind being entirely inadmissible, I have met every advance with the most positive refusal, alleging that, by the most clear and explicit terms of the treaty, it would be kept open, until an entire extinguishment of their claim by reservation and migration would take place. To this construction of the treaty, the whole Council gave their silent assent, although they were frequently invited to bring forward arguments in support of their former opinions. I was then asked if the limits of the reservation could not be enlarged, and titles made to each in fee simple: and, in support of their position, they urged that each soul was entitled to nine thousand acres of land. I corrected this error with little difficulty, and convinced them that the claim of each was not more than one thousand acres, and added, that I had no authority to change the character of their title in the smallest degree; though, I observed, that I had always been of opinion, that so soon as an entire extinguishment of their claim took place, the Government would not hesitate to place, on the best footing, those who might take reserves, and could be well recommended; but not until that event, could any change be effected relative to their titles.

The discussion of these points immediately before our separation, and the reading and explaining of your letter, which went to the vindication of the course which I had taken, did, in my opinion, give rise to the expected negotiation, which I sincerely hope may result in furthering the interests of all concerned, as far as relates to the benefit of the United States, and the different states of Georgia and Tennessee.

The Cherokee country, east of the Mississippi, is estimated, by the best calculators, to contain upwards of (14,000.000) fourteen millions of acres; a great proportion of which is rich land, and well watered, particularly in the Alabama territory, which certainly contains the most valuable part of the Cherokee country. Should a failure ensue

in the anticipated negotiations at the City (which we trust is not probable,) I think I can venture to state, that $300,000, including all former expenditures, will cover every necessary expense attending their removal, on the terms stipulated by the treaty, which would be but little more than two cents per acre: but this calculation is predicated solely upon an expectation that the Government will pursue her measures with an unabating ardour. Indeed, to relax now, (unless by entering into a general agreement with them,) would be attended with the most serious consequences, as it would not only check the progress of enrolling, but would certainly prevent those from removing who have enrolled. Now is the auspicious moment; the most violent opposition is silenced, and the friends of an exchange have at last assumed an air of independence, and an unalterable determination to acquiesce in the views of Government. This spirit of conformity will certainly increase from this circumstance, if from no other, that at present we claim one half of the whole population; hence, say one of our Cherokee friends, we see with great pleasure that the name of Cherokee nation is fast migrating towards our western settlements, and those who have hitherto been inimical to the views of Government, say our friends are gone, and, to retain our present standing as to wealth and power, we must follow. But, independent of this, they possess a degree of national attachment for each other, not surpassed by the population of any country, and although you may hear much about reservations, yet I hope I feel authorized in saying, their object for the greater part, is to secure them for purposes of speculation, as few, if any, will remain east of the Mississippi.

I have the honor, &c. &c. &c.

JOS. M'MINN.

Hon. JOHN C. CALHOUN,
Secretary of War.

Copies of Correspondence between Joseph M'Minn, and the Cherokee Council, in November, 1818.

CHEROKEE NATION, 15*th November*, 1818.

FRIEND AND BROTHER: I found myself inclined, this morning, to renew in behalf of your father the President of the United States, and to place on paper what I spoke to you, yesterday evening, when we held each other by the hand.

You have been invited here by your father's authority, to perform the solemn duties that devolve on you, as the father and chief of his red children, the Cherokees, and it follows, as a matter of course, that you, and your chiefs, with their wives and children, must all be made partakers of the comforts of life, in common with his white children who are present on this occasion. But, Sir, you will please

consider, that your age and standing, taken in connection with the very delicate state of your health, does not only entitle you to a full share of the ordinary support, but to such other supplies of sugar, coffee, spirits. &c. as may be necessary for the comfort of your own person, and those aged friends, who attend upon you; please, therefore, call on me from time to time, as your wants may require, and I will make a brotherly division of my stores with you, during our stay together, which I hope will continue until we come to a perfect harmony of sentiments, as well amongst yourselves, as between you and the United States: for I feel myself bound to say, that nothing short of such an arrangement as the honorable Secretary of War has proposed, will be sufficient to continue your people as a nation, especially on this side the Mississippi, and to prove which, I send you the number of families that have already enrolled; what their average number may be I do not know, though, I must believe, between three and four persons to each family, when those are added to about 2,900 souls who were settled on the Arkansas previous to the treaty. I will leave you to judge for yourselves, how the matter stands; out of the whole number enrolled for the Arkansas country, there appears to have been 196 families enrolled since 20th last month, the expected time of meeting here; and, I do assure you, my friend, that preparations are making daily for the removal of very many of the most respectable of your nation, of whom, perhaps, the rulers have never contemplated such an event. As this statement of facts had escaped my memory when we were in council yesterday, I could not but view it important in the highest degree to lay them before you. I presume on this day, or at some future one, you will form a decision for your nation; and, as you have the sentiments of your father, plainly and candidly expressed on the paper which I did myself the honor to place in the hands of the King; and by adding to that the division which is already made of your people between the East and West of the Mississippi, and also taking into view the immense extent and fertility of the soil, and the great advantages which will result from the game and range of the Arkansas country—I say, having such ample means whereon to form a choice, that is, whether to go West of the Mississippi, or stay and become citizens of the United States, will, I hope, render the task of deciding quite simple and easy; and, so soon as the council resolves to enter into the proposed arrangement, and notifies me of their decision, I will, without a moment's loss of time present them, with the amount which I am directed by the honorable Secretary of War to give, and will then enter into all the details of the plan, in a manner to suit the mutual interest and convenience of all parties; but, as I stated to you in council, nothing can be further done on the part of the United States, until I receive your determination to go into the measure proposed; and as I know how natural it is for you to desire to be apprised of the consideration to be given in money, I will say, thus far, that it is in perfect and full accordance with the former generosity of the Government towards your nation.

Brothers: Although this letter is addressed to you, it is also designed for the council also; I must, therefore, ask you, to be good enough to make its contents known in open council.

Your friend and brother,
JOSEPH M'MINN,
Acting Agent for the United States.

To the PATH KILLER,
King of the Cherokee Nation.

In Council, near the Cherokee Agency, 17th November, 1818.

FRIEND AND BROTHER: We have, with the most profound attention, examined the communications and propositions which your excellency thought proper to place in our hands, the object of which points to a close of the late treaty of the 8th of July, 1817, or, in other words, an entire surrender of all the lands held by the Cherokee nation, east of the Mississippi river.

Brother: This question is to us, of all others, the most important. Warmly attached to the soil which gave us birth and sustenance, we cannot touch the subject without a reverential awe, lest the Great Spirit frown upon us with disdain. Your Excellency can justly appreciate our feelings on the occasion; in fact, we have not words to express them. In making up our answer, we shall confine ourselves to facts, and temper our language, as heretofore, with respect. Having, however, but an imperfect knowledge of the English language, your Excellency will make allowances for inaccuracies, and attribute our errors, if you find any, to their proper origin.

The 3d article of the late treaty stipulates that the census of the whole Cherokee nation shall be taken in the month of June, 1818, viz: that that part of the Cherokee nation, desirous of remaining, shall be taken by a Commissioner appointed by the President of the United States, and a Commissioner to be appointed by the Cherokees on the Arkansas; and those who have removed, and those wishing to remove, shall be taken by a Commissioner appointed by the United States, and a Cherokee east of the Mississippi. The 4th article of the treaty, in making a dividend of the annuities between the parties, stipulates, that it shall be divided agreeably to their numbers, on, say the 30th June, 1818, or prior to that date. The divisions of lands between the parties, is founded also on the same principle. The 8th article of the treaty stipulates, that those wishing to take reservations, shall register their names in the office of the Cherokee agent, which shall be kept open until the census is taken, agreeably to the stipulations contained in the 3d article of that treaty, (meaning the 30th June, 1818, or sooner.) From a close and attentive examination of the Treaty, we cannot see any provision for any other time, for its final execution, but the 30th of June last, or during

that month. We are at a loss to know why (as it has always been our anxious wish to close the treaty,) that it was not done on that day or sooner. The Cherokees, ever faithful to their stipulations, are not less anxious than your Excellency to bring the treaty to a final close, as early as possible. That some individuals have been opposed to those emigrants to the west of the Mississippi, may be correct, but never in a national capacity. It certainly was, and is still, the wish of all to see the treaty closed agreeably to the stipulations contained in it.

The Cherokees, after the late war, in which they fought by the side of their white brethren, and lost much blood in the cause, had hoped to have been indulged in the possession of their lands. Taking all the circumstances together, we feel ourselves constrained to object to your Excellency's propositions, and request that you will name an early day for the final close of the late treaty, as stipulated. To avoid errors and misunderstanding, we request that our future negotiations may be confined to a written correspondence; by this, we do not mean that we will have no further verbal intercourse—this is necessary, to understand our different views.

We take the present opportunity of renewing to our Father the President, and our white brothers, his children, our firm and unalterable attachment.

We are, with considerations of great personal respect,
Your Excellency's friends and brothers,
CHIEF PATH KILLER, his ⋈ mark.

CHEROKEE AGENCY,

November 18, 1818.

FRIEND AND BROTHERS: Your communication, of yesterday's date, was duly handed me, by Major Ridge, and its contents read with that respectful attention which it so justly merits.

Brothers: Your remarks respecting your attachment to the soil which gave birth even to your fathers, is no doubt true; and no man, I presume, in the nation, who is not a native, can appreciate with more sympathy and feeling for you, than myself; and this, in some degree, arises from my being so very intimately acquainted with your interest, and the bonds of connexion which ought to bind your nation to the United States, and which, I hope, will always have its influence on your minds and actions. But, my brothers, I cannot concur with you, when you express your fears, that the Supreme Spirit will mark your agreement to the proposition made by the United States with any signal stroke of displeasure. He is never known to frown upon the rulers of any nation, whose sole object is to promote the best interests of their people; and that this proposition, which you have objected to,

is pre-eminently calculated to suit your temporal interest, as well as your everlasting happiness, can very easily be proven to every enlightened and disinterested mind.

First, it has its foundation upon your own solicitations, made to Mr. Jefferson in 1809, at which time a part of your nation complained of the scarcity of game, where you now live, and asked the President's permission to search for a country where game was plenty, and where they could support themselves and families by pursuing the hunter's life. That request was in itself so very reasonable, that President Jefferson, without hesitation, gave them leave to explore the country west of the Mississippi: and when, said he, you find a country to which there is no other Indian claim, the United States will give you equally as much land there, as you leave where you now reside, according to your numbers: and to add still more to your comfort, and the promotion of your interest, we will furnish you with provisions, and the means of removing to your newly acquired country, where we will carry on our usual intercourse with you, and always hold you firmly by the hand, as a part of our red children.

These promises were not only literally complied with, in the formation of the treaty, as respects giving an equal quantity of land, but I am authorized in saying, that the country ceded by the treaty contains five times the quantity held here by your whole nation; and in addition to this, Governor Clarke has obtained from the Osage and Quapaws nations of Indians, (to use his own language, which I will read to you,) a country quite sufficient for the whole Cherokee Nation, with all their Shawnee and Delaware allies. You also have your father's promise, that these lands shall be added to those which you hold by Jackson's treaty, with a further promise, which you will find contained in the papers submitted to you, that the Arkansaw claim shall have no western boundary.

When I last had the pleasure of addressing you, I promised to exhibit a map of the Arkansaw country, with the lands lately attached to it by Governor Clarke's treaties: to which I now invite your candid and serious attention, and ask you, my brothers, to view it, and to listen well to the description which will be given of the country, and of the advantages which will inevitably result from your people taking possession of the land given to you by the promise of your father, whose generosity has been displayed in the most unexampled manner. He has instructed his agent to clothe the aged widow and her children; to furnish arms to the youths of your nation; and, in a word, to supply all the reasonable wants of every description of your people, who choose to remove to the land of promise; and all these without the variation of a single article contained in the treaty.

I have now, my brothers, as I conceive, given you the most ample proof, that all who choose to remove west of the Mississippi will find their interest promoted, beyond any calculation which I am able to make. Even those who choose to follow agricultural pursuits, must acknowledge, that great part of the country is, at least, one hundred per cent. superior to this; nay, it is more than that, in relation to

commercial advantages: for in these it is not surpassed by any section of the United States. Nor are its advantages less, in respect to raising stock. And let me ask the question, Is there any Chief, or other citizen of this nation, who will say that the advantages to those who choose to follow the gun and the chase, are not equal to those enjoyed by their fathers in the land where we now are, even at the most ancient period?

Brothers: I will now return, and shew, according to my promise, that the views contained in the proposition, about which I am treating, is calculated to promote your everlasting happiness, provided you practise what you avowed to be your object, in the presence of President Jefferson, viz: that you were anxious to engage in the pursuits of agriculture and civilized life, to promote which, you asked Mr. Jefferson to narrow the limits of the country in which you lived, by which means you proposed to begin the establishment of fixed laws, and a regular government. I am now addressing myself to the party, who was, in the year 1809, willing to exchange the hunter's life, for the one just above described.

Brothers: To pursue the plough, and tread in the path of civilized life, is worthy of the best of Christians; and rest assured, that your proposition to do so, was one of God-like character, and the Government of the United States, as though to promote your laudable views, now invites you to take reservations, which perfectly accords with the principle you proposed to Mr. Jefferson, and which your Father and your white brothers would rejoice to see and hear. And, brothers, you may rest certain, as I humbly conceive, that, so far from the Great Spirit frowning on you, for permitting your people, who incline to live by the gnn, to remove west of the Mississippi, and yourselves to follow agriculture and civilized life here, that he would bless all your honest endeavors to become, not only members of the great American family, but much more for your religious exertions, in forming a part of his great society of saints. These are considerations, my brothers, of the greatest importance, and, if we believe the holy book to be true, every heathen shall know the Great Spirit, and shall bow his knee before him; and this knowledge can only be acquired in the first instance, by turning your attention as I have described, and by procuring a competent education for your children, and raising them to understand industry, and their moral obligations toward one another.

Here, then, my brothers, is your true situation; this immense newly discovered country will form sufficient inducements to all who wish to follow the hunter's life, to remove thither, where they will have schools established for the education of their youths, whilst you, who have seen the folly, and felt the toils of the gun and the chase, can stay with us here, entirely undisturbed by the bad examples which seem to accompany the hunter's life, as well with white as red people; here you will enjoy the advantage of equal and just laws; here you will find morality and religion respected, and vice punished to the full extent.

But, brothers, it is not my duty, nor is it my wish to persuade you either to go or stay, but to exhibit the advantages on both sides, which I have faithfully done, according to my views, and now I leave you to judge, whether it is better to go west of the Mississippi, or stay on reservations here; you have the promise of your Father's friendship on both sides, and choose for yourselves; but remember, you who are rulers here this day, that you hold the future destiny of thousands, yet unborn, as it were in your hands, and I call upon you to act from disinterested principles. If you conceive that a portion of your people's happiness would be promoted by a removal, you are bound, as honest men, to say so, and bid them go in peace, and prosper; and to such as you think ought to stay on reservations, say so; and in the name of every principle that is good, let us have peace at home and abroad, and let the liberties and freedom of your people be marked in every transaction of your public duties.

Brothers: I must ask you to re-consider the proposition, which I proposed to you on the 14th instant, and to give it, and the accompanying papers, a careful, friendly, and attentive reading; in them you will discover the precise views of the Government towards your people, which cannot be altered by any power I possess; and as the course which you ask me to take, if adopted, would only be calculated to continue a small portion of your people in their present unhappy state, and distracted condition, which is in direct opposition to their best interests, as also to the course your father has laid down, in which you are to go. This language may at first appear strange; but, upon examination of the treaty of Hopewell, as well as others, you will find that the United States possess the sole right of governing your nation upon all matters and occasions where the subject is one of general character, and involving principles of individual and general policy; they act as your immediate guardians and agents, and is it not perfectly consistent that they should, since they are compelled to protect you, as well within, as without the limits of your nation; and as well against internal as foreign enemies; here, for example, are troops assembled for the purpose of removing our people from amongst yours, who will take up their march on the rise of this meeting. I ask you to examine, and see from whence this necessity: Does it not arise from the want of fixed laws, and a regular administration of the government? It certainly does. I ask again, Does not the experience of you and myself, for twenty-five years past, prove, as clear as can be, that the necessity, instead of diminishing, is every day increasing? And is not the list of murders and robberies pretty near as great within the last twelve months, as the whole period since your nation and ours entered into a state of peace?

This being the state of facts, it becomes the indispensable duty of those who possess the guardian power over you, to say as at present they have done; we have provided a country suited to the interest and wishes of a great part of your nation, and for those remaining, we invite them to enter into the pursuits of husbandry and civilized life; by these means, and these alone, you will be emanci-

pated from a state of things already insupportable, and against which, religion and morality must revolt.

Friends and Brothers: On recurring to the 3d article of the treaty of Hopewell, you will find, that the United States are bound to afford you protection, as well against foreign, as neighboring enemies. Does it not then follow, as a matter of course, that they have the right to choose the means to be employed in protecting you?

If you answer yes, you can be told, that the President of the United States informed Congress, at the opening of her last session, that the posts of New Orleans and Mobile, were very much exposed to foreign enemies; that, although these places were of the utmost importance to every section of the United States, they never could be protected, but by having the eastern side of the Mississippi settled compactly, from the northern Lakes to the Floridas, and to effect which, treaties would have to be formed with all the native nations residing east of the last mentioned river, by which to obtain a relinquishment of their title, by taking reservations of 640 acres each, or by removing west of the Mississippi.

In consequence of this recommendation being made by the President, Congress entered into an arrangement for holding treaties with the Choctaw and Chickasaw nations of Indians. And, as we are advised, the latter nation have sold to the United States above seven millions of acres. From the Choctaws we have not heard, though no doubt exists as to their disposition to acquiesce with the Government.

From this statement it must appear, that one of the grand leading objects in bringing about an extinguishment of native claim to their lands, is, to place the southwestern country in a state of defence, thereby to afford ample protection to the liberties, lives, and property, of its citizens, of whom the Cherokee nation forms a part, but who protest against the measure, as operating contrary to their wishes and interest.

To place this subject in a situation in which you can see how far you are under obligations to agree to the proposition before you, I will give a short detail of the ties or obligations between the citizens composing the United States, and the Government itself. The citizens, by compact, are to adhere, with cheerfulness, to all existing treaties, laws, rules, and regulations, entered into by the United States, and, in return, the Government stands bound to protect the citizens, individually and collectively, against all violence offered either by internal or external enemies. These, my brothers, are the ties by which the citizens and Government stand bound to each other, and the penalty on the part of the citizens, or any portion of them, who will refuse to yield obedience to the treaties, laws, and authority, of the United States, is, that they shall be considered as enemies of the United States, and unworthy of its protection in any case. And again: with regard to the powers of the Government, on the subject of providing for the general defence of any city or country, the constitution of the United States gives the rulers the right to take private pro-

perty, for public purposes, at any time when the public good requires it to be done; but they are bound, in every instance, to give a fair equivalent or price for the same.

To prove this to be true, Jackson's army took your property in the late war, for which the United States have since paid you. If General Jackson, as a private man, had ordered your property to be taken, him, and all others concerned, would have been viewed as robbers, and punished accordingly; and to this statement may be added, that many very valuable houses were taken possession of by our army in the late war, and the inhabitants and property thrown out of doors, and, in some instances, the houses ruined; yet all have been paid for by the United States.

Having gone thus far, little more need be said to prove to you that, as the demand has been made of your country, you are bound to make a surrender of it, as good citizens, who are worthy of protection; and, at the same time, I hold that the United States are solemnly bound to pay you an honest fair price, and to indemnify you for such losses as you have a just right to claim, under the provisions of the treaty.

Brothers: You express a wish to know why the census had not been taken in June last; to which I reply, that, having been instructed by the honorable Secretary of War to propose a suspension of the time fixed on by the treaty, I had prepared a talk, to propose to you, on that subject, at our meeting at this place in May last, to which the whole nation was invited to attend.

To your non attendance, my brothers, it is owing, that the subject was not acted on at that time; and, when I proposed to the Arkansas delegation the propriety of their making an appointment, General Tonlontusky replied that you had been invited to attend the council as well as himself; that, as you did not meet, at his father's request, and make an appointment of a commissioner on your part, that, as he was in a country which he did not claim as his own, he would also decline making one on the part of the Arkansas tribe; and further, from an examination of my journal of the Oostanally proceedings, I find that I was not officially notified of your having made an appointment of a commissioner until the 30th June, which was the last day contemplated for closing the treaty, as the council seem to urge. Now, brothers, it is very easy to perceive that there are faults on all sides; and, as I conceive neither side can be interested, nor, in fact, acquitted of neglect by any defence they can make, I am willing to let the subject go to rest on my part.

JOS. M'MINN,
Acting Agent for the United States.

Cherokee Chiefs, in Council, to Joseph M'Minn, Esquire.

IN COUNCIL, NEAR CHEROKEE AGENCY,

November 21, 1818.

FRIEND AND BROTHER: Your communication of the 18th instant, was this day read in open council, explained, and interpreted to the Chiefs assembled. After deliberating, with that attention which its contents justly merited, have prepared the following sentiments, from the centre of our hearts. Though expressed through the organs of unrefined sense, in all the simplicity of nature, incapable of polished words, you will at once see the sentiments of your red brothers, in its true colors.

Brother: We know that we are under the protection of the Government of the United States; therefore, are not insensible that we are also dependant on the humanity, generosity, and friendship, of that magnanimous Government. We feel ourselves bound, by the strongest bands of brotherly and friendly attachment, to observe all our obligations with the United States, in the most inviolable manner.

Brother: You seem to express a desire, that we ought to keep friendship at home, as well as abroad, and to permit all those who wish to emigrate to the Arkansas to exercise their own free will and choice, as well as those who would choose to remain. That principle is so consistent with our sentiments, in all our actions, that we are not a little surprised to hear such a recommendation made by your Excellency, particularly when you have had such a fair opportunity of making yourself acquainted with the true sentiments and dispositions of the nation. The actions of bad individuals certainly ought not to be attached to the nation, in any country.

Brother: We perfectly agree with you in believing, that the Great Spirit is incapable of frowning on the rulers of any nation, whose sole object was to promote the best interest of their people. But, most beloved brothers, permit us to ask you, in the presence of that Great Spirit, whether we would be acting with that humane and honest principle, which is capable of producing blessings from that Supreme, if we were to accede to your propositions, to compel a whole nation of people, contrary to their free will and choice, to leave the lands of their nativity, which mouldered the bones of their forefathers, and so much esteemed and reverenced by them; and at the same time withdraw from them the means of comfort and support, which all the solemnity of a treaty (and ratified by the highest authority of the Government of the United States) had provided, by accepting of a pittance, which would not be more than one tenth of competency of providing for a general removal?

Brother: The idea which you seem to convey, respecting the late treaty, appears, that you are of the opinion, that the Cherokees of this country are bound to take reservations, or emigrate to the west of the Mississippi river, and no other alternative for their continu-

ance here in common, as usual. Brother, we would ask you, as a candid man, why did the stipulations of that treaty provide for the taking of the census of both nations, for an equal division of lands, agreeably to their respective numbers? It cannot be sound reason, to believe that it was proper to take the census of both nations, when all those who took reservations were limited to but 640 acres to each and every head of a family, if it was not intended that the surplus of the lands were to remain in common, for the benefit of this nation. The theory upon which you have founded the principle of taking private property for public good, we are not fully capable of comprehending your Excellency's ideas on that point; unless you mean, that the public good requires the acquisition of this country, and that you are determined to seize it. On these points, beloved brother, how far the disposition of the Government of the United States are disposed to act towards your poor red brothers, you are the best judge; but yet we cannot for a moment, withhold our sense of the humane benevolence and benignity of the United States, to believe that the country which has been solemnly guarantied to the Cherokees by them will be viewed as private property, and the obligations of all their treaties with the Cherokee people trampled under foot. That there have been faults, and neglect, agreeably to the admission of your Excellency, respecting the not taking of the census, we will not deny; but, on our part, we are unable to discover any. We have too much respect for the honor of the United States, to attribute it to them. No, brother; in them we have the most unbounded confidence. We have had too many proofs of their justice and magnanimity, of their liberality and friendship for us, to harbor, even for a moment, a suspicion that they would act unjustly towards us. No, brother, our confidence in the United States is so complete, that we believe, provided they have inadvertently injured us, by themselves or agents, that they would redress our wrongs when made known.

Brother: Reason and prudence are the monitors by which all prudent people, and individuals, ought to be guided. We know, however, that conscience is but the force of education. Religion is certainly commendable; but the force of our prejudices forbids that you should at once expect to see us embrace yours. We, like yourselves, found ours upon our prejudices, and follow the religion of our fathers. A different education would beget different prejudices, and, with your education we should no doubt adopt your prejudices, as well as religion. This, however, is not to be expected in the pursuit of game in the wilderness. We have here the advantages of adopting the virtues of our white brothers who surround us. Your Excellency is not unacquainted with the progress which we have made in agriculture and civilized life. The benign influence of religion has opened the eyes of many, and we do not believe that the epithet of savage ought any longer to be applied to the Cherokee nation of people: but, with a removal to the west, all our flattering prospect of civilized life must vanish.

Brother: With deliberation, candor, and good nature, we again inform your Excellency, that we have decisively rejected your propositions for an entire extinguishment of all our claims to lands east of the Mississippi river; and must again solicit your Excellency to cause the late treaty to be carried into full effect, agreeably to the stipulations therein contained, as early as practicable.

Brother: We solicit an interview with your Excellency, at the Agency office, on the 23d instant. At the acquiescence of your Excellency to this solicitation, you will please to cause the cannon to be fired. We have the pleasure of subscribing ourselves,

Intrinsically, your brothers and friends.

Chiefs and Warriors.

Path Killer,
Chas. Hicks,
Going Snake,
The Boot,
Sour Mush,
Tiger,
Chickesaw-te-kee,
Tees-to-wal-os-kee,
Rob. M'Lemore,
Eight Killer,
Che-la-ke-te-hee,
Jas. Downing,
Dreadful Water,
Rising of Fawn,
Sicketowee,
Bear-going-in,
Coo-la-chee,
Wee-ley,
Wash-my-face,
Jno. Benge,
Big Rattling-of-Gourd,
Little Turtle,
Thos. Saunders,
Squire
Noisy Fellow,
Chu-na-qual-es-kee,
Oo-ta-le-tah,
Two Killer,
Ta-ka-ha-kee,
Ja-lay-es-kee,
Woman Killer,
The Ridge,
Dan'l Griffism,
Coo-wes-koo-wee,
Chulamee,
Bridge Maker,
Oo-soo-kee,
Co-nat-ley,
Three Killer,
Kala-waskee,
Ske-ri-ka,
Jno. Beamer,
Little Path Killer,
Soo-we-cullah,
The Crow,
Nan-too-we-yah,
Su wa-kee,
Tey-es-tes-kee,
Big Half-Breed,
Oon-oo-la,
Car-sal-ar-wee,
Bark,
Willee,
Sick-a-to-wee,
Yan-oo-kee,
John Doherty,
Bark of Chota,
Saw-an-oo-kee,
At-los-en-a.

Committee Names.

John Ross,
Richard Riley,
Thos. Foreman,
Cabbin Smith,

Hair,
Roman Nose,
Currokee Dick,
Kee-le-chee-lee,
Geo. Saunders.

Jno. Baldridge,
Geo. Lowrey,
Rabbit Sleep,
James Brown.

A. M'COY,
Clerk National Committee.

His Excellency Jos. M'Minn.

Cherokee Agency, 23*d Nov.* 1818.

To the King and Chiefs of the Cherokee Nation:

Friends and Brothers: Few, if any occurrence in public life, has ever fallen in my way more unexpected, or better calculated to wound my feelings, than the receipt of your communication, made to me this day. It must surely be, my brothers, that you view me as an impostor, acting upon my own authority, with a view to deceive your nation; or that you flatter yourselves with the empty expectation that the United States cannot execute a measure of general defence, for the safety of her citizens, which shall, in the slightest degree, affect your interest or your wishes. You act as though you were insensible of trampling upon the highest authorities known to the Constitution and laws of the United States. Has not the honorable Secretary of War told you that you deserve the severest censure; that, after the ratification of the treaty, resistance to its fair execution can be considered little short of hostility; that threats offered to those who choose to emigrate, or take reservations, cannot be allowed; that such measures are in open violation of the treaty, and will, in their final result, avail you nothing; that the United States will not permit the treaty to be defeated by such means? He tells you, plainly, he does not believe that those who make opposition to the execution of the treaty are governed by a regard for the good of the Cherokee nation. This he brings against you from your own language, in council at Oostannally, which I forwarded at your request, in which you state, "We consider ourselves as a free and distinct nation, and that the government of the United States have no police over us, further than a friendly intercourse in trade."

I now ask you, my brothers, to say if you are prepared to adhere to these declarations; and, if so, the protection intended to be afforded to you by the troops who are assembled here for removing the whites from your land is entirely unnecessary. Nay, it ought to be considered by you as an insult, to speak of protecting a nation equally as independent as you appear to be on paper. By a further examination of the remarks made by the Secretary of War, in reply to your declarations, you will see where he states that daily proof is exhibited, that, were it not for the protecting arm of the United States, your na-

tion would become the victims of fraud and violence. He states explicitly, that the United States cannot protect you in your present condition, and concludes those highly important remarks by stating, that the President, in the proposed change of countries, consulted both your and our interest. "On the Arkansas," says he, "every effort will be made to render their condition happy, and to lead them into the arts of civilized life." To this fatherly and friendly promise you appear to enter your protest, and, in support, urge that this measure is well calculated to place your nation in the back ground as to education and advances towards civilized life. Let us examine your plan, (which is to keep a part of your nation here) and see how it will operate in practice. Suppose, for the sake of argument, that one half of your nation will remain here, upon one half the territory you now claim. I ask, what can you promise those people, provided you could keep them here: Is it not to keep them in their present savage state? If that be your policy, which I must believe is true, it is in direct opposition to the very humane course pursued and intended by your father, the President of the United States, to be continued toward your nation, until the final accomplishment of the great design of your becoming a part of the American family, And a still greater objection exists against your plan. You oppose the principle, or policy, or perhaps both, of taking reservations, which forms the only certain road to your becoming a religious, moral, and industrious people; but, so long as a population of about 5,000 souls inhabit a district of country containing upwards of five millions of acres, there remains no hope that they ever will prosper as a select society: and this remark will apply equally as well to the white as a red population. Your people, as well as all others, must become industrious from necessity, for none ever will be so from choice; and the greater the space they have to occupy, the greater will be their inducements to idleness.

JOS. M'MINN,
Acting Agent for the U. S.

CHEROKEE AGENCY, 24*th Nov.* 1818.

To the King, Chiefs, Headmen, and Warriors, of the Cherokee nation:

In your second rejection of the proposition submitted to you under the authority of the United States, I discover that you object to the amount proposed as indemnity for your removal. &c.

I will, therefore, with a view to foreclose you from making any just and reasonable charges against the Government, propose that, upon your receding from the rejection contained in your communication, I will vary the sum proposed of $100.000 to $200.000, payable as follows: Fifty thousand dollars will be paid by the United States, within three months from the date hereof, with an annuity of ten thousand

dollars per annum, for fifteen years, payable at the agency of the Arkansas people, agreeably to the preceding stipulations. In addition to the fifty thousand dollars, you will receive, at the same time, the annuity due to your nation for the present year, which must be divided according to the provisions of the treaty entered into with you on the 8th July, 1817. And, to prevent any further misunderstanding on that point, I propose that it shall be equally divided, for the present year, between both parts of the nation, and shall continue to be divided, in like manner, until the first day of the year 1822, that being the period at which I propose the possession of the Cherokee nation shall be surrendered: provided this proposition shall be agreed to on your part. It is, nevertheless, to be distinctly understood, that no part of the annuity which will fall due under this arrangement, will be subject to a division as aforesaid. The public boats which are now on hand are reserved for the removal of the emigrants who have been enrolled previous to this date: but the balance of the public stores, except so much ammunition as the emigrants may require, will be surrendered as has heretofore been proposed.

JOSEPH M'MINN,
Acting Agent for the United States.

CHEROKEE AGENCY, *25th Nov.* 1818.

To the King, Chiefs, Headmen, and Warriors, of the Cherokee Nation:

BROTHERS: After making three different attempts to get you to embrace the views of the United States, in relation to an exchange of countries, the result has been that you have given your unconditional rejection to each; and as you still insist on the census being taken, I am willing to enter into an arrangement with you upon that point, provided you disavow, in suitable terms, the improper interference of all your officers, in opposing the execution of the treaty, up to this date; and decree that, in future, it shall be deemed a crime for any of your officers or citizens to use violence or threats against the property or persons of those who either have or wish to remove West of the Mississippi, or against any of your people who may take reservations, as all such are considered as being worthy of, and really under, the protection of the United States, to the full extent of white citizens; and to state in your decree, that all who are found guilty of either of the aforesaid offences, or any other offences of like nature, shall suffer penalties, as the nature of their cases may justify. And I do further require, that proclamation be made by the authority of your National Council, in writing, requiring all your people to conduct themselves in strict obedience to all existing treaties, and to conform to the aforesaid decrees, or such others as you may think proper to make, in support of peace and friendship between your Nation and the citizens of the United States.

Brothers: So soon as I am officially notified that you have adopted these measures, and when I am also officially notified that the Arkansas tribe has appointed a Commissioner on their part to act with the United States' Commissioner here, I will arrange with you and them for taking the census, in conformity with the provisions of the late treaty. But it must be distinctly understood, that we will commence taking the census of both parts of the nation at one and the same time.

JOS. M'MINN,
Acting Agent for the United States.

IN COUNCIL ASSEMBLED, NEAR CHEROKEE AGENCY,
November 25, 1818.

FRIEND AND BROTHER: We have received and considered your last proposition, together with all other communications, all of which urges the Cherokee nation to surrender to the United States all the lands held by them East of the Mississippi. After a long, candid, and deliberate consideration of all the points; after having acquainted ourselves with the sentiments of the nation, and after giving it that candid and respectful attention which is due to the high source from which they emanated, we are again under the necessity of objecting to your excellency's proposals. We must repeat to your excellency our anxious wish that you will assure our father the President of the United States, that, in making up this opinion, we are only actuated by a desire to promote the best interest of the nation; that we are now, and trust ever will remain, the firm friend and warm advocates of our white brothers, the people of the United States; of whom, together with their father the President, we now implore their mercy and protection. Your friends and brothers, in behalf of the whole Cherokee nation,

THE PATH KILLER.
CHAS. HICKS.
GOING SNAKE.
BIG HALF BREED.
THE BOOT.

A. M'COY, *Clerk.*

CHEROKEE AGENCY, 26*th Nov.* 1818.

To the King, Chiefs, Headmen, and Warriors, of the Cherokee Nation:

I learn from your communication, of yesterday's date, your desire to put a period to the present negotiation, on which point (for the first) we are agreed.

You state, that, after a long, candid, and deliberate consideration of all the points, and after having made yourselves acquainted with the sentiments of your nation, you have rejected the proposition for an extinguishment of your territorial claim. Although I leave out of view the motives which influenced your Council in forming this decision, I am unable to reconcile to my mind the following very extraordinary and singular facts, viz: of your having objected, first, to meeting here agreeable to your father's request; and, secondly, your rejection of every proposition which has been submitted to you, notwithstanding you were duly furnished with copies of all the letters and documents from the War Department in any manner connected with the negotiation; and these were seconded by such arguments in open Council, as you could not, or at least did not, choose to meet. You politely request me to assure your Father, that, in forming your opinion, you have been actuated by a desire to promote the interest of your nation. But, my brothers, such an interference between you and your Father attaches too much delicacy; and to prove to him that you are justified in your present course of opposition to every measure which he has proposed for the promotion of your interest, would, I presume, require greater force of reasoning than you and I possess. But I will transmit correct copies of your communications addressed to me, and leave your Father to judge for himself whether there is that consistency between your actions towards the United States, and your declarations on paper, as he conceives there ought to be between those who govern and the governed.

For myself, I cannot resist expressing my astonishment at your determined opposition to the proposed measure; and from whence it should arise, is equally mysterious; unless from a long train of unexampled friendship exhibited by the United States towards your nation, from which, perhaps, you have been taught to believe, as your Council expressed at Oostannally, that "we consider ourselves as a free and distinct nation, and that the United States have no police over us further than a friendly intercourse in trade." Now let me ask you, my brothers, have you a shadow of right to look for protection from the United States, after making that declaration, except so far as would become the reciprocal interest of both parties in carrying on commerce? Then, let me again ask, what advantage does the United States reap from your trade; or have you any? You must answer no. Well, let me inquire, how are you furnished with the implements of husbandry, and those for manufacturing, which articles many of you have in such abundance that you furnish your white neighbors with them at less than their original cost? Answer, from the fostering hand of the United States. And do you now believe that your conduct on the present occasion will be viewed by the President of the United States as corresponding with their generosity towards you? I apprehend he will not. Nor do I suppose he will applaud the contemptible epithet of "pittance," as expressed by you in speaking of the sum of one hundred thousand dollars as indemnity for your removal to the West. But give me leave to tell you, how-

ever pitiful it may appear in your estimation, it is the precise sum that I was instructed to propose to you in the first instance.

Brothers: As I have neither time nor disposition to trouble you with any further remarks, than barely to state, for the information of all your citizens who either wish to remove West of the Mississippi, or take reservatiens here, that the rolls will be kept open in both cases as usual. That a constant stock of arms, ammunition, and every article stipulated by treaty to be given to those who choose to emigrate to the Arkansas country, will be kept open at all times; and every aid and protection will be given that reason and justice can require; as well in furnishing those with linen for tents, who prefer travelling by land, as furnishing those with boats, who choose to remove by water.

Brothers: In taking my leave of you, I express my entire satisfaction of the peace and harmony which has prevailed, not only in our deliberations, but in every rank and class of the community on both sides; and, with respect to the troops that are now stationed here for your immediate protection, and removal of the intruders, they will be sent home on furlough, where they will await the pleasure of the President of the United States for their further movements.

Your friend and brother,
JOSEPH M'MINN,
Acting Agent for the U. States.

CHEROKEE AGENCY, *26th November*, 1818.

To the King and Chiefs of the Cherokee Nation:

BROTHERS: From your last communications of yesterday, I believe you are disposed to place a period to the present negotiation.

Previous to which, I wish the council to attend at the firing of the cannon at this place, for the purpose of closing our business as it has been conducted, in peace and friendship.

Your friend and brother,
JOSEPH M'MINN,
Acting Agent for the U. States.

IN COUNCIL, *November 27th*, 1818.

FRIEND AND BROTHER: Your proposition to an arrangement to provide for the taking of the census has underwent the deliberation of the council.

We view it no less novel than strange; because, we conceive the laws of our country, which provides for the security and protection of our lives and property, is equally extended to all and every person, within the jurisdiction of our nation: they cannot be withdrawn from those of our fellow-citizens, who may choose to emigrate to the West of the Mississippi, because they intend to leave this country. No, Brother, our hearts are notof rock, as you seem to suppose; our friendship and attachment to those of our countrymen, relations, friends, and acquaintances, who take leave of us for a new country, are not to be withdrawn from them on that account, but, to the contrary, we wish them all the happiness that can be enjoyed from peace and quietness. Brother, we are fearful you have founded prejudices on suspicion, respecting our feelings and sentiments towards our country people who are separating from us; all differences of opinion relating to the true and literal meaning of the late treaty, ought not to be imputed to hostility or opposition to it; as we assure you, in the most positive manner, nothing is more desirable to your red brothers, than to observe with fidelity all our existing treaties. We do not conceive it necessary to make any national decrees in the substance you propose; the execution of our laws will not be withheld to render justice to our Arkansas brothers.

Your friends and brothers,

PATH KILLER,
CHARLES HICKS,
THE BOOT,
GOING SNAKE,
SU-WE-CUL-LAH.